

COURT OF APPEAL FOR ONTARIO

RE: METROLAND PRINTING, PUBLISHING and DISTRIBUTION LTD. (Plaintiff (Respondent)) – and – THE CANADIAN IMPERIAL BANK OF COMMERCE, THE BANK OF NOVA SCOTIA AND THE TORONTO-DOMINION BANK (Defendants (Appellants))

BEFORE: CARTHY, CRONK AND GILLESE J.J.A.

**COUNSEL: William J. Burden
For the appellant**

**Reid Lester
For the respondent**

HEARD: March 26, 2002

On appeal from the judgment of Justice Sidney N. Lederman dated May 3, 2001.

ENDORSEMENT

2. [1] After careful review of the arguments presented to us we can find no fault with the reasons of the motions judge who essentially found that the conclusion is dictated by the reasons in *Boma Manufacturing Ltd. v. C.I.B.C.* (1996) 140 D.L.R. (4th) 463 (S.C.C.). We do not accept the appellant’s argument that there is a distinction in principle to be drawn from the fact that in this case the cheques were entirely produced by computer.

3. [2] We therefore dismiss the appeal with costs agreed upon to the date of hearing of \$6,900.00 inclusive of taxes and disbursements plus \$1,000.00 counsel fee plus G.S.T.

4. “J.J.
Carthy J.A.”

5. “E.A.
Cronk J.A.”

6. “E.E.
Gillese J.A.”