

IN THE COURT OF APPEAL OF MANITOBA

Coram: Madam Justice Diana M. Cameron
Mr. Justice Christopher J. Mainella
Madam Justice Jennifer A. Pfuetzner

BETWEEN:

	)	<i>D. M. Olson and</i>
	)	<i>A. Makam</i>
<i>CARRIE LUCE FORSYTHE</i>	)	<i>for the Appellant</i>
	)	
<i>(Plaintiff) Appellant</i>	)	<i>W. G. Haight</i>
	)	<i>for the Respondents</i>
	)	<i>R. C. Castelane,</i>
<i>- and -</i>	)	<i>Century 21 Bachman and</i>
	)	<i>Associates, Saramax</i>
	)	<i>Investments Ltd., Mantin</i>
<i>RONALD COLESON CASTELANE,</i>	)	<i>Consulting Inc., 5887381</i>
<i>CENTURY 21 BACHMAN AND</i>	)	<i>Manitoba Ltd. and</i>
<i>ASSOCIATES, SARAMAX INVESTMENTS</i>	)	<i>Razell Investments Ltd.</i>
<i>LTD., MANTIN CONSULTING INC.,</i>	)	
<i>5887381 MANITOBA LTD., RAZELL</i>	)	<i>K. D. Toyne</i>
<i>INVESTMENTS LTD. and DOUGLAS</i>	)	<i>for the Respondent</i>
<i>JEFFERSON JOHNSON</i>	)	<i>D. J. Johnson</i>
	)	
<i>(Defendants) Respondents</i>	)	<i>Appeal heard and</i>
	)	<i>Decision pronounced:</i>
	)	<i>September 22, 2026</i>

PFUETZNER JA (for the Court):

[1] This is the second time that a motion to dismiss for delay has come before this Court in these proceedings. It is now the end of the line.

[2] The motion judge dismissed the action for delay under both rule 24.01(1) and rule 24.02(1) of the MB, *King's Bench Rules*, Man Reg

553/88. The parties agree that if this Court upholds the motion judge's decision under either rule, the plaintiff's appeal fails.

[3] In our view, the motion judge did not misdirect himself, nor was his decision to dismiss the action under rule 24.01(1) so clearly wrong as to amount to an injustice. Accordingly, there is no need to consider the motion judge's decision in respect of rule 24.02(1).

[4] In the result, the appeal is dismissed with one set of costs to the defendant, Mr. Johnson, and one set of costs to the remaining defendants.

Pfuetzner JA

Cameron JA

Mainella JA