

Jurisdiction and Forum Non Conveniens in Quebec

In *Impulsora Turistica de Occidente v. Transat Tours Canada Inc.* (available [here](#)) the Supreme Court of Canada has, in brief reasons, dismissed an appeal from the Quebec Court of Appeal. Transat sued four Mexican companies in Quebec, seeking an extraterritorial injunction against them. The companies successfully resisted the injunction and also convinced the judge at first instance to conclude both that Quebec lacked jurisdiction and that in any event Mexico was the more appropriate forum. On appeal, now confirmed by the Supreme Court of Canada, the decision on jurisdiction was reversed. The Quebec court had jurisdiction and no stay of proceedings was warranted.

The court held Quebec had jurisdiction even in respect of a request for purely extraterritorial relief. The court was able to consider granting injunctive relief against defendants who were not within the province.

The court also held that Mexico was not the more appropriate forum, in part based on a jurisdiction clause in the contract between Transat and one of the four Mexican companies.

It is somewhat unusual for the Supreme Court of Canada to grant leave to hear a case and then render only brief unanimous reasons adopting the reasoning of the court below.

Since Transat did not appeal the initial denial of its motion for an injunction, its success on appeal resulted in the case being returned to the Superior Court for possible further proceedings.