

In the Court of Appeal of Alberta

Citation: Vizer v 383501 Alberta Ltd (Val Brig Equipment Sales), 2024 ABCA 192

Date: 20240607

Docket: 2303-0240AC

Registry: Edmonton

Between:

William Vizer and Dow Jones Hauling Ltd

Applicants

- and -

**383501 Alberta Ltd operating as Val Brig Equipment Sales
and Lawrence Berube**

Respondents

**Reasons for Decision of
The Honourable Justice Dawn Pentelchuk**

Application for Permission to Appeal

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The Honourable Justice Dawn Pentelechuk**

[1] William Vizer seeks permission to appeal my decision in *Vizer v 383501 Alberta Ltd (Val Brig Equipment Sales)*, 2024 ABCA 96 pursuant to Rule 14.5(1)(a) of the *Alberta Rules of Court*, Alta Reg 124/2010 [*Rules*]. In that decision, I declined to restore Mr Vizer’s appeal after it was struck for failure to meet a filing deadline.

[2] As a preliminary matter, the present application was brought more than one month after my decision and is therefore out of time under the *Rules*: see Rule 14.8(2)(a); *Rana v Rana*, 2019 ABCA 278 at para 22, leave to appeal to SCC refused, 39297 (28 January 2021).

[3] In any event, Mr Vizer has not persuaded me on the merits.

[4] Permission to appeal a single judge decision may be granted under Rule 14.5(1)(a) where the applicant establishes at least one of the following: (a) a question of general importance; (b) a possible error of law; (c) an unreasonable exercise of discretion; or (d) a misapprehension of important facts: *Goldstick v Monsma*, 2023 ABCA 257 at para 4, leave to appeal to SCC refused, 41012 (14 March 2024); *Settlement Lenders Inc v Blicharz*, 2016 ABCA 109 at para 1, leave to appeal to SCC refused, 37065 (20 October 2016); *Al-Ghamdi v Alberta*, 2016 ABCA 403 at para 11.

[5] Mr Vizer has failed to articulate any legitimate basis upon which my decision should be appealed. As noted in *Ouellette et al v Law Society of Alberta*, 2021 ABCA 283 at para 14, “a single judge of the Court of Appeal should grant permission to appeal a decision of his or hers to a panel of the Court only if there is a *compelling reason* to require the applicant and the respondent to reargue and three judges of the Court of Appeal to decide an issue” (emphasis in original). No such reason exists here.

[6] The application is dismissed.

[7] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order.

Written submissions received on April 29 and May 21, 2024

Reasons filed at Edmonton, Alberta
this 7th day of June, 2024

Pentelechuk J.A.

Submissions:

Applicant W. Vizor

S.A. Rohatyn
for the Respondents