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Business Pensioners' case goes to top court

Pensioners' case goes to top court



By: [Martin Cash](#)

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Manitoba Telecom Services pensioners have succeeded in keeping the fight alive in their battle with the company after being granted leave to appeal their case to the Supreme Court of Canada.

The 14-year legal dispute is over the disposition of a \$43.3-million pension surplus that existed when the company transformed itself from a Crown corporation into a publicly traded corporation. In addition to the interest that would have accrued since



1997, the total amount at stake is close to \$100 million.

In January 2010, the Court of Queen's Bench ruled MTS had to repay that amount and interest dating back to 1997.

But in February, the Manitoba Court of Appeal overturned the lower-court ruling saying there was no breach of an original memorandum of agreement.

Now the pensioners can file an appeal with the Supreme Court.

Kris Saxberg, a lawyer representing three unions and retirees and the lead plaintiff, retiree Harry Restall, said it is a rare event to have an application for leave to appeal a civil matter heard by the country's highest court.

"It is a major, major accomplishment," Saxberg said.

Paul Beauregard, MTS Allstream's chief legal officer and corporate secretary, said in a prepared statement, "It is unfortunate that this historical matter continues to work its way through the court system. We do not believe that the pending hearing will change the unanimous decision of the Manitoba Court of Appeal, which correctly applied the Supreme Court's



recent rulings clarifying the state of pension law in Canada.”

At issue is the status of an agreement made at the time about the use of the surplus. Saxberg said a positive result will mean significant benefits to all MTS retirees.

— Martin Cash



Martin Cash

Reporter

Martin Cash is a business reporter/columnist who's been on that beat for the *Free Press* since 1989. He's a graduate of the University of Toronto and studied journalism at Ryerson (now Toronto Metropolitan University).





[Read more about Martin.](#)

Every piece of reporting Martin produces is reviewed by an editing team before it is posted online or published in print — part of the *Free Press's* tradition, since 1872, of producing reliable independent journalism. Read more about [Free Press's history](#)



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