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Case of Note: Standard of Review for Masters same as for Judges on Appeal

The Court of Appeal in *Zeitoun v. The Economical Insurance Company*, [2009] 96 O.R. (3d) 639, has recently held that there is no reasoned basis to distinguish between the decision of a master and a judge, for the purposes of the standard of review on appeal.

The Court of Appeal, consisting of the Honourable Justices Doherty, Moldaver, MacPherson, Simmons and Cronk, held that a decision of a master will only be interfered with on appeal if the master:

1. Makes an error of law; or
2. Exercises his or her discretion on wrong principles; or
3. Misapprehends the evidence;

such that there is a “palpable and overriding error”. The Court of Appeal makes clear in *Zeitoun* that the standard of review set by the Supreme Court of Canada in *Housen v. Nikolaisen* 2002 SCC 33 (CanLII), [2002] 2 S.C.R. 235 and *H.L. v. A.G. Sask.*, 2005 SCC 25 (CanLII), [2005] 1 S.C.R. 401 apply when the decision of a master is appealed.