



Case in Brief: ***Sinclair v. Venezia Turismo***

Judgment of July 31, 2025 | On appeal from the Court of Appeal for Ontario  
Neutral citation: 2025 SCC 27

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**The Supreme Court rules that Ontario courts do not have jurisdiction over a claim brought against foreign companies by a Canadian traveller injured abroad.**

This appeal concerns whether Ontario courts can take jurisdiction over a case involving foreign companies where part of a trip was arranged through a credit card service based in Ontario. In order to take jurisdiction, a court must be satisfied that there is a real and substantial connection between the circumstances giving rise to the claim and the court location in which it is brought.

Duncan Sinclair, an Ontario resident, had a credit card with Amex Canada that provided access to a concierge and travel agent service. Using that concierge service, he booked a trip to Europe for himself, his wife and their son. Later, while in Italy, Mr. Sinclair used the same service to book transportation from the airport in Venice to their hotel, which included a water taxi. A third-party travel service provider contacted by Amex Canada made the reservation. While in transit with Mr. Sinclair and his family on board, the water taxi crashed into a wooden structure, causing him serious injuries.

Mr. Sinclair and his wife commenced an action in Ontario seeking damages for injuries sustained in the accident against a number of defendants, including three Italian companies, Amex Canada, the third-party travel service provider and the water taxi driver. The Italian companies brought a motion before the Ontario Superior Court of Justice to dismiss or stay (stop) the action as against them, arguing that the Superior Court lacked jurisdiction, but they were unsuccessful. The Italian companies then appealed to the Court of Appeal, which unanimously allowed the appeal and concluded that it would be improper for Ontario to assume jurisdiction. The Sinclairs appealed to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal.

**The Court of Appeal for Ontario was correct in deciding the Ontario Superior Court of Justice did not have jurisdiction to hear the case.**

Writing for a majority of the Court, Justice Côté held that the Ontario courts do not have jurisdiction over the dispute as it pertains to the Italian companies. She explained that in order to assume jurisdiction over a claim, a court must be satisfied that there is a real and substantial connection between the circumstances giving rise to the claim and the forum in which it is brought. The real and substantial connection test seeks to mitigate the jurisdictional overreach that can arise when the connection between the forum, the subject matter of the dispute, and the defendant is not sufficient for a court to assume jurisdiction.

In this case, while the cardmember agreement between Mr. Sinclair and Amex Canada is an Ontario contract that can ground Ontario's jurisdiction over the dispute, the presumption of jurisdiction has been rebutted because a real and substantial connection between the dispute and Ontario is simply not present. Justice Côté said that a conclusion to the contrary would result in jurisdictional overreach and would run counter to the principles of order and fairness set out in this Court's prior case law.

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**Breakdown of the decision:** *Majority:* Justice [Côté](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Rowe](#), [O'Bonsawin](#) and [Moreau](#) agreed) | *Dissenting:* Justice [Jamal](#) would have allowed the appeal (Justices [Karakatsanis](#), [Martin](#) and [Kasirer](#) agreed)

**More information:** [Decision](#) | [Case information](#)

**Lower court rulings:** Action (Ontario Superior Court of Justice - not available online) | [Appeal](#) (Court of Appeal for Ontario)

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