

## **2024-2025 Moot Tryout Problem**

In its recent ruling (*Bhatnagar v. Cresco Labs Inc.*, 2023 ONCA 401 (CanLII)), the Ontario Court of Appeal (ONCA) dismissed the notion that the Supreme Court of Canada's decision in *C.M. Callow Inc. v. Zollinger*, 2020 SCC 45, implies a legal presumption of loss whenever a breach of the duty of honest performance in a contract is found. Those advocating for this presumption have relied on paragraph 116 of the Callow decision to support their argument.

In no more than five minutes, please provide your view on whether the ONCA was right to reject this interpretation or whether the Supreme Court's majority opinion is correct in suggesting that a legal presumption of loss suffices.