

<b><u>CASE NO.</u></b>	<b><u>VOL. NO.</u></b>	<b><u>PAGE</u></b>
PHILLIP OFUME (Appellant)	- and -	SOUTHWEST APARTMENTS (Respondent)
CA 161064	Halifax, N.S.	Freeman, J.A.

---

[Cite as: Ofume v. Southwest Apartments, 2001 NSCA 95]

**APPEAL HEARD:** June 1, 2001

**JUDGMENT DELIVERED:** June 11, 2001

**SUBJECT:** **Residential Tenancies Act, R.S.N.S. 1989, c. 401; Issues on Appeal;**

**SUMMARY:** The appellant, a Nigerian refugee, was found to have signed a one-year lease for a two-bedroom apartment into which he and his family, consisting of his wife and four children, moved shortly after their arrival in Canada. The Metropolitan Immigration Settlement Association (MISA) led him to believe he could move to a larger apartment in the same building after three months. The move never occurred. On moving in Dr. Ofume had signed an inspection report noting only a stained carpet, but he says he expected cleaning and repairs that were not carried out, or performed only after a long delay. He claimed \$2,055. for labour and expenses for cleaning and repairs he and his family did themselves. The Director of Residential Tenancies disallowed the claim and found Dr. Ofume owed the landlord three months' rent. This was upheld on an appeal to a Residential Tenancies Board and to the Supreme Court. On appeal to this court Dr. Ofume said he was more concerned with his treatment as a black immigrant than with the money. He attempted to raise issues that had not been before the tribunals or the Supreme Court.

**ISSUE:** Did the appellant establish a manifest error so serious it created a substantial injustice?

**RESULT:** The appeal was dismissed; no manifest error was established. The issues Dr. Ofume sought to raise were not within the scope of an appeal to this court in a residential tenancies matter.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 9 pages.**