

NOVA SCOTIA COURT OF APPEAL

Citation: *Flynn v. Halifax (Regional Municipality)*,
2005 NSCA 81

Date: 20050510

Docket: CA 214036

Registry: Halifax

Between:

Fabian Flynn and Trudy Flynn

Appellants

v.

The Halifax Regional Municipality, a municipal body
corporate, Donald Williams, James Joseph Dunleavy, and
Applewood Enterprises Limited, a body corporate

Respondents

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: February 15, 2005

Subject: *Negligence and Breach of Contract in home construction.*

Summary: The appellants sued their home builder for negligence and breach of contract and joined the Municipality alleging negligent inspection. The trial judge found negligence and breach of contract by builder company, principal of the company personally and negligence, in part, by the Municipality. Damages awarded.

Issue: The appellants, representing themselves on appeal, alleged a broader finding of negligence should have been attributed to the builder and to the Municipality and that the quantum of damages was inadequate.

Result: Minimal adjustment to damages in favour of the appellants.

Appeal allowed by company principal removing personal liability. Very fact specific.

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 50 pages.