

NOVA SCOTIA COURT OF APPEAL

Citation: *MacIsaac v. Royal Bank of Canada*, 2015 NSCA 12

Date: 20150205

Docket: CA 425953

Registry: Halifax

Between:

Daniel J. MacIsaac

Appellant

v.

Royal Bank of Canada, Toronto-Dominion Bank,
Elizabeth S. Marmura in her own right, and Elizabeth
S. Marmura in her capacity as Executor of the Estate
of Michael B. Marmura, and the Registrar General of Land Titles

Respondents

Marmura and Marmura Estate Appellants on Cross-Appeal
RBC and TD Banks Respondents on Cross-Appeal

Judge: The Honourable Justice J.E. (Ted) Scanlan

Appeal Heard: October 7, 2014, in Halifax, Nova Scotia

Subject: **Property Conveyance Judgments**

Summary: A Solicitor acted for the vendor and purchaser in relation to the conveyance of a property. After the signing of a purchase and sale agreement, but before completion of the transaction, two judgments were registered against the vendor. The judgments were not discovered by counsel prior to closing. The judgment creditors asked the court to order the parcel register to be amended to include the two judgments. The trial court agreed. The purchaser and solicitor appealed that decision.

Issues: Were the lands held in trust by the vendor upon the execution of the sales agreement therefore preventing the judgments from attaching to the lands?

Result: Appeal dismissed. The solicitor had a duty under the **Land Registration Act**, S.N.S. 2001, c. 6 to include all interest affecting title in the parcel register including the two judgments.

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 16 pages.