

NOVA SCOTIA COURT OF APPEAL

Citation: Wile v. Glenelg Homestead Ltd., 2005 NSCA 4

Date: 20050107

Docket: CA 212994

Registry: Halifax

Between: Kevin B. Wile

Appellant

v.

Glenelg Homestead Limited

Respondent

Judge: The Honourable Justice Elizabeth Roscoe

Appeal Heard: November 22, 2004

Subject: Real property, rectification, priorities of deeds, **Registry Act**, R.S.N.S. 1989, c. 392 s. 18, valuable consideration

Summary: Appeal from order of declaration regarding ownership of land, and rectification of description. See trial decision recorded at: [2003] N.S.J. No. 274 (Q.L.). Trial judge determined that respondent had priority over appellant's registered deed because the land had been a gift to him and he therefore was not a purchaser for value entitled to priority under section 18 of the **Registry Act**.

Issues: Did trial judge err in finding that appellant was not a purchaser for valuable consideration?
Did trial judge err in rectifying respondent's deed?

Result: Appeal dismissed. No error of law or in fact.

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 11 pages.