

NOVA SCOTIA COURT OF APPEAL

[Cite as: *Skinner v. Presbytery of Cape Breton* , 2000 NSCA 107]

Freeman, Chipman and Cromwell, J.J.A.

BETWEEN:

REVEREND JAMES SKINNER

Appellant

- and -

**THE PRESBYTERY OF CAPE BRETON WITHIN THE
PRESBYTERIAN CHURCH IN CANADA and THE SYNOD OF
THE ATLANTIC PROVINCES WITHIN THE PRESBYTERIAN
CHURCH IN CANADA**

Respondents

REASONS FOR JUDGMENT

Counsel: Alan J. Stanwick and David L. Parsons, Q.C., for the
appellant
Jamie S. Campbell for the respondents

Appeal Heard: September 28, 2000

Judgment Delivered: September 28, 2000

THE COURT: The appeal is dismissed, per reasons for judgment given orally by Chipman, J.A.; Freeman and Cromwell, J.J.A., concurring.

Chipman, J.A. (Orally):

[1] This is an appeal from a decision of Gruchy, J. in chambers declining to appoint representative parties defendant in this proceeding, pursuant to **Civil Procedure Rule 5.09.**

[2] We have not been persuaded that Gruchy, J. erred on the material before him in finding that the classes of persons to be represented had not been adequately defined. We do not wish our decision to be taken as foreclosing the appointment of representatives of a properly defined class of persons, or as endorsing the other bases of the chambers judge's decision.

[3] It is common ground that the parties named as defendants are not legal entities capable of suing or being sued in their own names. Any fresh proceedings brought should be brought having regard to this.

[4] The appeal is therefore dismissed without costs.

Chipman, J.A.