

NOVA SCOTIA COURT OF APPEAL
Citation: MacLane v. MacLane, 2005 NSCA 89

Date: 20050601
Docket: CA 244796
Registry: Halifax

Between:

Julie Anne MacLane

Appellant

v.

Blaine Frederick MacLane

Respondent

Revised judgment: The original judgment has been corrected according to the erratum dated June 8, 2005.

Judge(s): Cromwell, Oland and Fichaud, JJ.A.

Appeal Heard: June 1, 2005, in Halifax, Nova Scotia

Written Judgment: June 6, 2005

Held: Appeal allowed with costs in the amount of \$6,000 plus disbursements, and the corollary relief judgment is to be issued in the form submitted by the appellant as per oral reasons for judgment of Cromwell, J.A.; Oland and Fichaud, JJ.A. concurring.

Counsel: B. Lynn Reiersen, for the appellant
Hector MacIsaac, for the respondent

Reasons for judgment: (Oral)

[1] We are all of the view that we have jurisdiction to hear this appeal which, in essence, is from a dismissal of an application for judgment in accordance with a settlement agreement.

[2] We are also of the view that the agreement read into the record, including the terms reflected in ¶ 20 of the draft corollary relief judgment, and unequivocally accepted by both parties, is certain and complete and ought to have been enforced.

[3] We therefore allow the appeal and will issue the corollary relief judgment in the form submitted by the appellant.

[4] The circumstances of this case call for a costs order which will provide a substantial contribution to the appellant's actual costs. We therefore order costs in the amount of \$6,000 plus disbursements to be paid forthwith.

Cromwell, J.A.

Concurring:

Oland, J.A.

Fichaud, J.A.