

NOVA SCOTIA COURT OF APPEAL

Citation: Curtmar Farms Ltd. v. Tetreault, 2007 NSCA 7

Date: 20070117

Docket: CA 268232

Registry: Halifax

Between:

Norman Tetreault and Barbara Tetreault

Appellants

v.

Curtmar Farms Limited

Respondent

Judge: The Honourable Justice Elizabeth Roscoe

Appeal Heard: January 16, 2007

Subject: **commercial law, agreement of purchase and sale or
consignment**

Summary: Curtmar delivered a herd of dairy cattle to the Tetreaults. They accepted the cattle and made a partial payment. Curtmar sued for the balance of the purchase price. The appellants said there was nothing owing because they were not able to re-sell the cattle for more than it cost them to keep them pending re-sale because the cows were not registered and there was a downturn in the market. The trial judge found that there was an agreement of purchase and sale, not a consignment arrangement, and ordered the defendants to pay the balance of \$25,800 plus interest and costs.

Issue: **Did the trial judge err in finding the parties had entered into an agreement of purchase and sale?**

Result: Appeal dismissed. No error justifying appellate intervention.

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 3 pages.

