

Date: 199980331

Docket: C.A. 144074

NOVA SCOTIA COURT OF APPEAL

Cite as: Edmonds Landscape & Construction Services Ltd. v. Gould,
1998 NSCA 84

Freeman, Hart and Flinn, JJ.A.

BETWEEN:

EDMONDS LANDSCAPE & CONSTRUCTION)
SERVICES LIMITED, a body corporate, and)
JOHN E. EDMONDS)

Appellants)

- and -)

JAMES E. GOULD, as executor of Ferna C.)
Gould, Deceased)

Respondent)

Raymond S. Riddell
for the Appellants

James L. Chipman
for the Respondent

Appeal Heard:
March 31, 1998

Judgment Delivered:
March 31, 1998

THE COURT: Leave to appeal denied per oral reasons for judgment of Flinn, J.A.; Hart and Freeman, JJ.A. concurring.

FLINN, J.A.: (Orally)

This is an interlocutory application for leave to appeal, involving a discretionary order. This Court has repeatedly stated that it will not interfere with such an order unless wrong principles of law have been applied or a patent injustice would result (see **Exco Corporation Ltd. v. N.S. Savings & Loan et al** (1983), 59 N.S.R. (2d) 331 (N.S.C.A) and **Minkoff v. Poole and Lambert** (1991), 101 N.S.R. (2d) 143 (N.S.C.A.).

The appellants made an interlocutory application, in Supreme Court Chambers, seeking an order for the production of certain documents. The Chambers judge, Justice J. Michael MacDonald, dismissed the application. Following a review of the material before him, the Chambers judge found that the documents sought to be produced “have no practical relevance to the case at Bar”.

We are of the unanimous opinion that the Chambers judge did not apply wrong principles of law in the exercise of his discretion in this matter. Further, the fact that the appellants will not have access to the documents which they sought to be produced, does not create any injustice in the circumstances of this case.

Leave to appeal is denied. The appellants will pay to the respondent, forthwith, his costs of this application which are hereby fixed at \$700.00 inclusive of disbursements.

Flinn, J.A.

Concurred in:

Hart, J.A.

Freeman, J.A.

