

NOVA SCOTIA COURT OF APPEAL

Citation: *Bellton Farms Ltd. v. Campbell*, 2016 NSCA 1

Date: 20160121

Docket: CA 438464

Registry: Halifax

Between:

Bellton Farms Limited and Alan Campbell

Appellants

v.

Colin Campbell and Mary Nova Jane Campbell

Respondents

Judge: The Honourable Justice Cindy A. Bourgeois

Appeal Heard: December 7, 2015, in Halifax, Nova Scotia

Subjects: Unjust enrichment, admissibility of affidavit evidence, and the doctrine of proprietary estoppel

Summary: A hearing judge heard two consolidated applications in relation to a family farm, Bellton Farms Limited, involving various disputes between the shareholders and family members. Numerous issues were advanced by the parties, and having considered the evidence, including an affidavit of a now deceased witness, the hearing judge concluded that the majority shareholder had acted oppressively towards the minority shareholder. As a result, the majority shareholder, Alan Campbell, was ordered to buy the shares of Colin Campbell. The hearing judge declined to reduce the value of the shares to reflect the “sweat equity” Alan Campbell claimed he had made to the value of Colin Campbell’s shares.

The hearing judge also dismissed a claim made by Bellton Farms and Alan Campbell against Nova Campbell (Colin's wife) in which they claimed title to land owned by Nova by virtue of the doctrine of proprietary estoppel.

Issues:

- (1) Did the hearing judge err in failing to recognize the "sweat equity" Alan Campbell contributed to the shares held by Colin Campbell?
- (2) Did the hearing judge err by admitting into evidence the affidavit of a deceased witness?
- (3) Did the hearing judge err by dismissing the claim for proprietary estoppel?

Result:

The appeal is dismissed, with costs. The Appellants failed to demonstrate any error on the part of the hearing judge, either in her identification of the proper legal principles relevant to the issues before her, or any errors in her consideration and treatment of the evidence before her.

<p><i>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 14 pages.</i></p>
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