

**CASE NO.**

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Cite as: Bureau v. KPMG Quality Registrar, 1999 NSCA 100

KATHRYN BUREAU

KPMG QUALITY REGISTRAR  
and BARRY TRAVERS

- and -

(Appellant)

(Respondents)

CA 153204

Halifax, N.S.

**BATEMAN, J.A.**

**APPEAL HEARD:**

June 16, 1999

**JUDGMENT DELIVERED:**

July 5, 1999

**SUBJECT:** Employment. Negligent misrepresentation/wrongful dismissal.

**SUMMARY:** The appellant was recruited by the respondents to join that company. Her job was to start a quality assurance practice. She accepted an offer of employment, giving up her own company to do so. After 15 months she was dismissed.

**ISSUES:** The appellant alleged that the respondents had negligently misrepresented the terms of employment in pre-contractual negotiations. Alternatively, she claimed for damages for wrongful dismissal, including augmented damages for bad faith on the part of the respondents. The trial judge found no negligent misrepresentation, indeed, no misrepresentation at all. Five months notice period fixed. Appellant appealed both the dismissal of the claim in negligent misrepresentation and the notice period. Cross-appeal on judge's alleged failure to take into account the appellant's lack of efforts to mitigate.

**RESULT:** Appeal, cross-appeal dismissed. The record reveals no factual reversible error nor did the trial judge misapply the principles in **Queen v. Cognos**, [1993]1 S.C.R. 87. The facts were unlike those in **Wallace v. United Grain Growers Ltd.** (1997), 152, D.L.R. (4<sup>th</sup>) 1 (S.C.C.) and did not support an award of augmented damages.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 21 pages.**

