

Date: 19971117

Docket No. CA 137001

NOVA SCOTIA COURT OF APPEAL

Cite as: Cameron v. George, 1997 NSCA 183
Chipman, Freeman and Cromwell, JJ.A.

BETWEEN:

JOHN CAMERON

Appellant

)
)
) John R. Ratchford
) for the Appellant
)
)

- and -

JUSTIN T. GEORGE and MARGARET
CONNOLLY and CO-OPERATORS GENERAL
INSURANCE COMPANY

Respondents

)
) Robert M. Purdy, Q.C.
) for the Respondents
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) Appeal Heard:
) November 17, 1997
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) Judgment Delivered:
) November 17, 1997
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THE COURT:

The appeal is dismissed with costs as per oral reasons for judgment of Chipman, J.A.; Freeman and Cromwell, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

CHIPMAN, J.A.:

This is an appeal by the plaintiff from a decision of Justice Scanlan in Supreme Court making a determination that the third party Co-operators General Insurance Company was not liable to indemnify the defendant Justin George for any amounts he may become liable to pay the plaintiff, and dismissing the plaintiff's action against the defendant Margaret Connolly.

The issue before the trial judge, as far as concerns this Court, was whether Justin George had Connolly's consent, express or implied, to drive her motor vehicle at the time of the collision giving rise to the plaintiff's injuries.

We are of the opinion that in the result it has not been shown that the trial judge made any palpable or overriding error in his assessment of the evidence leading to the conclusion that Connolly did not consent to the operation of her motor vehicle by George at the relevant time.

The appeal is dismissed with costs to the respondents, one bill, in the amount of 40% of the costs of the trial, plus disbursements to be taxed.

Chipman, J.A.

Concurred in:

Freeman, J.A.

Cromwell, J.A.