

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Tabensky v. Hope, 2008 NSCA 116

**Date:** 20081211

**Docket:** CA 298110

**Registry:** Halifax

**Between:**

Marie Tabensky

Appellant

v.

Donald Bernard Hope and Rosamond Hope

Respondents

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**Judge:** The Honourable Justice Fichaud

**Appeal Heard:** December 11, 2008

**Written Judgment:** December 18, 2008

**Subject:** Conveyance of land - *Statute of Frauds*

**Summary:** Deed to “Group of Friends”. Grantors signed another agreement identifying the “Group of Friends”. Trial judge ruled the deed and agreement together satisfied the *Statute of Frauds*.

**Issue:** Do the deed and agreement together satisfy the *Statute of Frauds*?

**Result:** The *Statute of Frauds* requires a sufficient memorandum signed by the parties to be charged. The memorandum may comprise several documents and need not itself be contractual but must contain the essential terms. Here the deed and agreement were both signed by the parties to be charged and together identified the grantees. The *Statute of Frauds* was satisfied. Appeal dismissed.

**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 6 pages.**