

CASE NO.

BRUCE R. BRETT

VOL. NO.**- and -****PAGE**SUPERIOR PROPANE INC.,
a body corporate

Appellant

Respondent

C.A. No. 155015

HALIFAX

CHIPMAN, J.A.

[Cite as: Brett v. Superior Propane Inc., 1999 NSCA 120]**APPEAL HEARD:**

October 13, 1999

JUDGMENT DELIVERED:

October 13, 1999

WRITTEN RELEASE OF ORAL:

October 15, 1999

SUBJECT:**Appeal - Mootness of Proceedings****SUMMARY:**

The appellant had applied before Saunders, J. in Chambers pursuant to s. 68 of the **Personal Property Security Act**, S.N.S. 1995-96, c. 13, seeking a determination of priority or entitlement to heating equipment supplied by the respondent to a building of which the appellant was mortgagee of the leasehold interest. Saunders, J. dismissed the appellant's application as of "little merit". The appellant appealed. In the meantime, the appellant foreclosed his interest in the mortgage of the leasehold interest.

ISSUE:

Whether the proceedings were rendered moot as a result of the foreclosure.

RESULT:

The Court of Appeal held that as a result of the foreclosure, the proceedings were moot and, as a result, the decision of Saunders, J. was of no effect other than with respect to costs. The appeal was therefore dismissed with costs of \$1,000.00, plus disbursements and the order of Saunders, J. respecting costs was affirmed.

<p>THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S JUDGMENT. QUOTES MUST BE FROM THE JUDGMENT, NOT FROM THIS COVER SHEET. THE FULL COURT JUDGMENT CONSISTS OF 2 PAGES.</p>
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