

CASE NO.**VOL. NO.****PAGE**

FOUNDERS SQUARE LIMITED

- and -

COOPERS & LYBRAND

(Appellant)

(Respondent)

C.A. 153053

Halifax, N.S.

BATEMAN, J.A.

[Cite as: Founders Square Ltd. v. Coopers & Lybrand, 1999 NSCA 131]

APPEAL HEARD:

September 23, 1999

JUDGMENT DELIVERED:

November 8, 1999

SUBJECT:**Contracts - renewal of lease. Offers to settle. Costs.****SUMMARY:**

Founders Square claimed that Coopers had agreed to renew a lease for office space. Judge found that the parties had not reached an agreement to renew. Founders appealed.

ISSUES:

Founders raised 17 issues on appeal.

RESULT:

Appeal dismissed save for decision on costs. Judge erred when assessing value of offer to settle made by Coopers by taking into account, as part of the value offered, Coopers' proposal to settle other legal actions which were not before the trial judge. Accordingly, the judge erred in finding that the offer to settle exceeded the result thereby warranting an increase in the costs payable from Scale 3 to Scale 4 of Tariff A, pursuant to **Rule 41A.11**. Costs restored at the Scale 3 level. In all other respects, appeal dismissed.

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 35 pages.