

NOVA SCOTIA COURT OF APPEAL

Citation: Hayter v. Bezanson, 2009 NSCA 113

Date: 20091113

Docket: CA 310804

Registry: Halifax

Between:

Travis Hayter

Appellant

Respondent on cross-appeal

v.

Alan Bezanson

Respondent

Appellant on cross-appeal

Revised library sheet: The date of the hearing has been corrected from October 6, 2007 to October 16, 2009.

Judge: The Honourable Justice Fichaud

Appeal Heard: October 16, 2009

Subject: Personal injury - negligence - causation of loss - damages

Summary: Mr. Hayter's golf shot hit Mr. Bezanson. The trial judge awarded damages. Mr. Hayter appealed. Mr. Bezanson cross appealed, seeking higher damages.

Issue: Did Mr. Bezanson impliedly consent? Was he contributorily negligent? Did the trial judge err by finding causation or in the calculation of damages?

Result: Mr. Hayter's golf shot (a Happy Gilmore run at the ball) was not an ordinary feature of golf. Mr. Bezanson did not impliedly consent, and he was not contributorily negligent. The trial judge made no appealable error in his findings of causation or his award of damages. The Court of Appeal dismissed the appeal and cross appeal.

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 18 pages.