

CASE NO.

VOL. NO.

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Cite as: Arb Recycling v. Halifax (County, 1998 NSCA 46

AYLMER R. BEGG, businessman,
carrying on business under the name
and style of ARB RECYCLING

- and - THE MUNICIPALITY OF THE
COUNTY OF HALIFAX

Appellant

Respondent

C.A. No. 141606

Halifax

ROSCOE, J.A.

APPLICATION HEARD:

January 12, 1998

JUDGMENT DELIVERED:

January 12, 1998

WRITTEN RELEASE OF ORAL:

January 14, 1998

SUBJECT:

**Practice - Applications to dismiss appeal -
Rule 62.28(1), Rule 62.13(2)**

SUMMARY:

The respondent made applications to dismiss the appeal on the basis that the appeal was frivolous and vexatious and because the appellant had not complied with an order to post security for costs.

RESULT:

Application pursuant to Rule 62.18(1) granted. The issues raised in the notice of appeal were **res judicata**, having been dealt with by this Court on two previous occasions. Appeal dismissed.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. THE FULL COURT DECISION CONSISTS OF 2 PAGES.