

Date: 20020320
Docket: CA 173896

NOVA SCOTIA COURT OF APPEAL
[Cite as: Gilbert v. Howell, 2002 NSCA 38]

Bateman, Oland and Hamilton, JJ.A.

BETWEEN:

BEVERLY ANN GILBERT

Appellant

- and -

WILLIAM DONALD HOWELL

Respondent

REASONS FOR JUDGMENT

Counsel: Karen MacDonald for the appellant
Yvonne M.R. LaHaye for the respondent

Appeal Heard: March 20, 2002

Judgment Delivered: March 20, 2002

THE COURT: Appeal dismissed per oral reasons of Bateman, J.A.;
Oland and Hamilton, JJ.A. concurring.

BATEMAN, J.A.: (Orally)

- [1] We are not satisfied that the trial judge's discretionary decision not to adjourn the hearing in the face of the appellant's failure to appear, in these circumstances, reflects reviewable error.
- [2] Accordingly, the appeal is dismissed.
- [3] The appellant shall pay to the respondent costs in the amount of \$250.00 inclusive of disbursements.

Bateman, J.A.

Concurred in:

Oland, J.A.

Hamilton, J.A.