

NOVA SCOTIA COURT OF APPEAL

Citation: DRL Coachlines Ltd. v. GE Canada Equipment Financing G.P.,
2011 NSCA 23

Date: 20110222
Docket: CA 322580
Registry: Halifax

Between:

DRL Coachlines Limited and
Ruth Roberts-Tetford

Appellants

v.

GE Canada Equipment Financing G.P.

Respondent

Judge: The Honourable Justice Linda Lee Oland

Appeal Heard: January 18, 2011

Subject: Guarantees - Inequality of Bargaining Power - Undue Influence
- Costs

Summary: The appellants had guaranteed the debts of a company of which the individual appellant was the owner and president and which her late son operated in Nova Scotia. They appealed the trial judge's decision finding them jointly and severally liable for the indebtedness of the company to the respondent. The individual appellant claimed that the judge had erred in his assessment of the evidence, in determining the legal burden of proof, and in awarding party-party costs based on the tariff.

Issue: Whether the trial judge had made palpable and overriding errors in his findings of fact. Whether he had made any error regarding the burden of proof. Whether he had erred in his costs award.

Result: Appeal dismissed. The record showed ample evidence to

support the judge's findings of fact and credibility. He made no errors which would permit appellate intervention in regard to the grounds of appeal pertaining to the merits of his decision. As to the costs decision, he did not apply wrong legal principles and it is not so clearly wrong as to amount to a manifest injustice.

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 12 pages.