

NOVA SCOTIA COURT OF APPEAL

**Cite as: Fairway Building Supply Ltd. v. Windy Bay Fisheries Ltd.,
1996 NSCA 235**

Roscoe, Pugsley and Bateman, JJ.A.

BETWEEN:

FAIRWAY BUILDING SUPPLY LIMITED and
DARRYL W. BURGESS

Appellants

G.F. Philip Romney
for the Appellant

- and -

WINDY BAY FISHERIES LIMITED, a body
corporate

Respondent

Gordon M. Davidson
for the Respondent

Appeal Heard:
December 6, 1996

Judgment Delivered:
December 6, 1996

THE COURT:

The appeal is dismissed with costs to the respondent in the amount of \$500.00 including disbursements as per oral reasons for judgment of Chipman, J.A.; Pugsley and Bateman, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by

ROSCOE, J.A.:

The issue on this appeal is whether a Chambers judge erred in granting leave to the respondent to issue an execution order against the appellant. The issues and the argument are the same as those in **Neiff Joseph Land Surveyors Limited v. Windy Bay Fisheries Limited**, C.A. 12980 heard at the same time.

For the reasons enunciated in the **Neiff Joseph** matter, this appeal is also dismissed with costs to the respondent in the amount of \$500.00 including disbursements.

Roscoe, J.A.

Concurred in:

Pugsley, J.A.

Bateman, J.A.