NOVA SCOTIA COURT OF APPEAL

Cite as: Roach v. D.J. Lowe (1980) Ltd., 1995 NSCA 26 <u>Hallett, Hart and Chipman, JJ.A.</u>

BETWEEN:

VERNON A. ROACH, now or formerly carrying on business under the firm name and style of "VERN'S AUTO REPAIRS"		John R. Bishop and Paul L. Walter for the Appellant
1.	Appellant	
- and -)	W. Bruce Gillis, Q.C. for the Respondent
D.J. LOWE (1980) LIMITED)
	Respondent	Appeal Heard: February 14, 1995
		Judgment Delivered: February 14, 1995
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THE COURT: Appeal dismissed per oral reasons for judgment by Hallett, J.A.; Hart and Chipman, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

HALLETT, J.A.:

This is an appeal from a decision of Mr. Justice Grant in which he found (i) that

a bailment had been created when the respondent left a boom crane with the appellant; (ii)

that the appellant was negligent in the storage of the boom crane and as a consequence it was

stolen. The learned trial judge assessed damages for breach of a bailment at \$8,500.

The appellant asserts that the learned trial judge erred in so finding. We have

reviewed the evidence, the decision of the learned trial judge and the arguments of counsel

on this appeal. We agree with counsel for the respondent that the trial judge did not err in

law and that the evidence supports his findings as set out above. The evidence does not

support the appellant's assertion that the respondent was contributorily negligent. The appeal

is dismissed with costs at 40% of the costs awarded at trial plus disbursements.

Hallett, J.A.

Concurred in:

Hart, J.A.

Chipman, J.A.

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VERNON A. ROACH, not formerly carrying on busing under the firm name and sof "VERN'S AUTO REPARTS AUTO REPART	ness tyle)	
- and - FOR	Appellant)	REASONS
BY:)	JUDGMENT
D.J. LOWE (1980) LIMIT	TED)	HALLETT, J.A
	Respondent)	(Orally)
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