

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.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

VERNON A. ROACH, now or
formerly carrying on business
under the firm name and style
of "VERN'S AUTO REPAIRS")
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)

Appellant)

- and -)
FOR)

REASONS

JUDGMENT

BY:
D.J. LOWE (1980) LIMITED)
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Respondent)
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HALLETT, J.A.
(Orally)