

NOVA SCOTIA COURT OF APPEAL

Citation: *Awalt v. Blanchard*, 2013 NSCA 11

Date: 20130125

Docket: CA 395440

Registry: Halifax

Between:

Linda Awalt

Appellant

v.

Chris Blanchard

Respondent

Judge: The Honourable Justice Peter M. S. Bryson

Appeal Heard: October 15, 2012

Subject: Damages. Causation. Sufficiency of reasons. Minor injury.
Loss of valuable housekeeping services.

Summary: Ms. Awalt was injured in a low speed collision. She was diagnosed with whiplash and prescribed Ibuprofen, and returned to work about a week later. Some years later, Ms. Awalt had surgery to repair a torn rotator cuff. She claimed her shoulder was injured in the accident. Trial judge found no causal connection between shoulder injury and accident. He found Ms. Awalt suffered a minor injury, limiting her general damages to \$2,500. Ms. Awalt appealed alleging errors in assessment of causation, medical evidence, interpretation of the *Insurance Act*, R.S.N.S. 1989, c. 231, and insufficiency of reasons.

Issues: Did the trial judge err

1. in applying law of causation in determining accident did not cause shoulder injury?
2. in interpreting the *Insurance Act* when determining whether Ms. Awalt suffered a “minor injury”; were his reasons insufficient?
3. in assessing damages for loss of valuable services?

Result: Appeal dismissed. Trial judge assessed medical evidence and concluded there was no causal connection between the accident and the shoulder injury. He made no palpable and overriding error in doing so. Nor did he err in concluding that Ms. Awalt suffered a minor injury. His reference to appropriate law, coupled with his review of the medical evidence regarding causation provided an intelligible basis for the result and permitted meaningful appellate review. The judge's finding of no loss of valuable housekeeping services had evidentiary foundation. He made no error in his assessment of this evidence.

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 19 pages.