

CASE NO.**VOL. NO.****PAGE**

Cite as: Canada Trustco Mortgage v. Homburg, 1998 NSCA 133

CANADA TRUSTCO MORTGAGE

- and -

RICHARD HOMBURG

(Appellant)

(Respondent)

C.A. No. 144909

Halifax, N.S.

Jones, J.A.
(orally)

APPEAL HEARD:

June 16, 1998

JUDGMENT DELIVERED:

June 16, 1998

WRITTEN RELEASE OF ORAL:

June 25, 1998

SUBJECT:

Mortgage foreclosure application. Application for summary judgment. Whether fairly arguable issue to be tried by way of defence.

SUMMARY:

Negotiations for renewal of mortgage. Whether letter discussing terms of renewal capable of being accepted as a binding contract renewal. No evidence that letter accepted. Trial Judge finding that there was an arguable issue.

RESULT:

The Court of Appeal held that there was no arguable issue raised by the defence. Appeal allowed and order for summary judgment granted.

This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of ___3__ pages.