

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Gillis v. Roy Stutley Plumbing & Heating Ltd.*,  
2013 NSCA 145

**Date:** 20131217

**Docket:** CA 405524

**Registry:** Halifax

**Between:**

Kathy Gillis

Appellant

v.

Roy Stutley Plumbing and Heating Limited, a  
body corporate and The Estate of Roy Stutley and  
Intact Insurance Company, a body corporate

Respondents

**Judges:** MacDonald, Saunders and Scanlan, JJ.A.

**Appeal Heard:** December 11, 2013, in Halifax, Nova Scotia

**Held:** **Appeal dismissed per reasons for judgment of MacDonald,  
C.J.N.S.; Saunders and Scanlan, JJ.A. concurring.**

**Counsel:** Brian J. Hebert, for the appellant  
Scott C. Norton, Q.C. and Scott Campbell, for the respondent  
Intact Insurance Company  
Respondents Roy Stutley Plumbing and Heating Limited and  
The Estate of Roy Stutley not participating

**Reasons for judgment:**

[1] The appellant Kathy Gillis was seriously injured when a water tank, negligently installed by the respondent Roy Stutley Plumbing and Heating Limited, became dislodged and fell on her. The ensuing damage assessment hearing was defended only by Stutley's insurer in the event it was called upon to provide coverage. The main issue there involved whether Ms. Gillis's presently disabling failed back syndrome was caused by this accident. Nova Scotia Supreme Court Justice Suzanne Hood found that it was not. Ms. Gillis has asked us to overturn this finding, alleging errors in law and palpable and overriding errors of fact.

[2] I am of the view that this appeal should be dismissed. Hood J.'s decision was both comprehensive and well-reasoned. She correctly articulated and applied the law of causation and her unassailable factual findings were solidly grounded in the evidence.

**Disposition**

[3] Accordingly, I would dismiss the appeal, but in the circumstances, without costs.

MacDonald, C.J.N.S.

Concurred in:

Saunders, J.A.  
Scanlan, J.A.