

MUNICIPALITY OF THE COUNTY OF HALIFAX, a body corporate, (Appellants)
and SHARON BOND

- and -

SACKVILLE MANOR LIMITED, a body corporate (Respondent)

C.A. No. 135513 Halifax, N.S. Clarke, C.J.N.S.
(orally)

APPEAL HEARD: May 14, 1997

JUDGMENT DELIVERED: May 14, 1997

WRITTEN RELEASE OF ORAL: May 15, 1997

SUBJECT: **EVIDENCE - admission of subsidiary reports of experts**

SUMMARY: During the course of a trial involving an assessment of damages, the appellants called a witness who was qualified as an expert in the appraisal and valuation of land. The expert entered his report which was buttressed by the subsidiary reports of experts in structural engineering, soil conditions and construction costs. He admitted he had no personal expertise in the subject matters described in the subsidiary reports. The appellants did not call the authors of the subsidiary reports.

Upon motion of the respondent, the trial judge ruled the reports of the subsidiary experts are not admissible.

ISSUE: Did the trial judge err?

RESULT: The Court of Appeal dismissed the appeal for two principal reasons: First, it concluded the appeal from the interlocutory order of the trial judge was premature, and second, it agreed the trial judge made no error in concluding that the limited exception to the hearsay rule did not apply for the purpose of admitting the second hand reports of the experts.

The Court referred to **Minkoff v. Poole and Lambert** (1991), 101 N.S.R. (2d) 143, Chipman, J.A. at p. 145; **R. v. Lavallee**, [1990] 1 S.C.R. 852 at 899, per Sopinka J. at pp. 898-900.

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 5 pages.