Date: 19970520 Docket: CA 133519

## **NOVA SCOTIA COURT OF APPEAL**

Cite as: Silver v. Realco Management Ltd., 1997 NSCA 101

## Roscoe, Bateman and Flinn, JJ.A.

| BETWEEN:                  | )                     |  |
|---------------------------|-----------------------|--|
| ROBERT L. SILVER          | )<br>)<br>Appellant ) | Appellant appeared in person             |
| - and -                   |                       |  |
| REALCO MANAGEMENT LIMITED | Respondent )          | William L. Ryan, Q.C. for the Respondent |
|                           |                       | Appeal Heard:<br>May 20, 1997            |
|                           | )<br>)<br>)           | Judgment Delivered:<br>May 20, 1997      |

**THE COURT:** The appeal is dismissed without costs per oral reasons for judgment of Roscoe, J.A.; Bateman and Flinn, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

## ROSCOE, J.A.:

This is an appeal from a decision of Justice M. Jill Hamilton of the Supreme Court dismissing a notice of objection from a report of the Residential Tenancies Board dated September

3, 1996. There was a further report and recommendation of the Board dated February 3, 1997

respecting moving and storage costs of the appellant's furniture. That matter was not appealed

to the Supreme Court and is, therefore, not properly before this Court.

Having considered the materials filed and the submissions made on behalf of the

parties, we have concluded that there has been no error of law made by the Residential Tenancies

Board or Justice Hamilton in concluding that the tenant had breached the lease agreement by

failing to pay the rent on the first of each month.

The appeal is therefore dismissed without costs.

Roscoe, J.A.

Concurred in:

Bateman, J.A.

Flinn, J.A.