

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Edwards v. Edwards Dockrill Horwich Inc.,  
2009 NSCA 37

**Date:** 20090416

**Docket:** CA 298463

**Registry:** Halifax

**Between:**

Michael L. Edwards, M. L. Edwards Inc. and  
Nican Incorporated

Appellants

v.

Edwards Dockrill Horwich Incorporated,  
Minnej (N.S.) Incorporated, Michael  
Dockrill and James N. Horwich, carrying on  
business under the firm name and style of “Dockrill  
Horwich Chartered Accountants”, Michael  
Dockrill as principal trustee of the M. B. Dockrill  
Family Trust and James N. Horwich, as principal  
trustee of the J. N. Horwich Family Trust

Respondents

---

**Judge:** The Honourable Justice Roscoe

**Appeal Heard:** March 31, 2009

**Subject:** receivership, approval of receivers’ report

**Summary:** After a lengthy trial involving a dispute between partners in an accounting practice, the trial judge appointed two receivers to wind up the practice and to determine amounts payable by and to the parties based on his decision. When the receivers filed that report, one of the parties objected and applied to the judge to amend the report in several respects. The judge dismissed the application after finding the receivers’ report was reasonable.

**Issues:** Did the chambers judge apply the wrong test in dismissing the application or did the decision result in an

injustice?

**Result:**

With respect to all but one of the issues raised by the appellants, the judge applied the proper test in reviewing the receivers' report and there was no injustice requiring the intervention of the Court of Appeal.

However, with respect to the claim that the respondents may have received a \$40,000 windfall as a result of an HST input tax credit, the appeal court found that the receivers did not inquire as to the possibility of such a windfall and the chambers judge did not address the issue in his decision. Therefore, in order to prevent a possible injustice, the appeal was allowed to a limited extent and the receivers were directed to make the appropriate inquiries and report back to the chambers judge.

**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 7 pages.**