

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Maritime Travel Inc. v. Go Travel Direct.Com Inc.*, 2007 NSCA 11

**Date:** 20070130

**Docket:** CA 269788

**Registry:** Halifax

**Between:**

Go Travel Direct.Com Inc.

Appellant

v.

Maritime Travel Inc.

Respondent

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**Judge:** The Honourable Justice Jamie W. S. Saunders

**Appeal Heard:** January 23, 2007

**Subject:** Deceit. Misrepresentation. False advertising. Punitive damages.  
**Competition Act**, R.S. 1985, c. C-34. Summary judgment. **CPR 13**.

**Summary:** Litigation since 2003 prompted an application by the defendant Go Travel for summary judgment against the plaintiff Maritime Travel. The application was dismissed in Supreme Court Chambers. Go Travel appealed.

**Held:** Appeal allowed in part. The respondent's counsel conceded that it could not prove the tort of deceit and that with this concession their claim for punitive damages would also fail. Accordingly, the appellant was granted summary judgment dismissing those two claims. In all other respects the appeal was dismissed. The Chambers judge's decision that whether the impugned representations and advertisements were deliberately or recklessly false or misleading, and whether as a consequence the respondent is entitled to damages that may be quantified, are arguable issues within the meaning of **CPR 13** that ought to be decided after a trial, was affirmed, each side to absorb their own costs.

**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 3 pages.**