

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Co-operators General Insurance Company v. Wawanesa Mutual Insurance Company, 2014 NSSC 23

**Date:** 20140127

**Docket:** Hfx No. 419271

**Registry:** Halifax

**Between:**

The Co-operators General Insurance Company

Applicant

v.

The Wawanesa Mutual Insurance Company

Respondent

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**Judge:** The Honourable Justice Michael J. Wood

**Heard:** January 16, 2014, in Halifax, Nova Scotia

**Written Decision:** January 27, 2014

**Subject:** Insurance - Duty to defend

**Summary:** An insured did plumbing work in 2004. Co-operators issued a CGL policy which expired in 2005. There was a failure of the insured's work in 2011 which resulted in property damage. The insured was sued for the remediation costs.

**Issue:** Did the Co-operators have a duty to defend the insured?

**Result:** The Court reviewed the decision in *Meridian Construction v. RSA* and concluded that it was binding as the policy terms were substantially the same. The Co-operators unable to show that the “own work” exclusion applied. Duty to defend was found.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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