

SUPREME COURT OF NOVA SCOTIA

Citation: *Garner v. Bank of Nova Scotia*, 2015 NSSC 122

Date: 2015 04 22

Docket: Halifax No. 354371

Registry: Halifax

Between:

Christopher Taylor Garner

Plaintiff

v.

The Bank of Nova Scotia

Defendant

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Judge: The Honourable Associate Chief Justice Deborah K. Smith

Heard: February 19th, 20th, 21st, 24th, 25th, 26th, 27th, March 10th, 11th, 25th, 26th, 27th, 28th, April 22nd, May 15th, 2014, in Halifax, Nova Scotia

Final Written Submissions: From the Plaintiff: April 1st, 2015
From the Defendant: April 2nd, 2015

Written Decision: April 22nd, 2015

Subject: Employment Law.

Summary: Plaintiff was employed by the Defendant for approximately 35 years. In April of 2011, the Plaintiff filed a complaint of age discrimination against the Defendant with the Canadian Human Rights Commission. The parties attempted to mediate a resolution of the matter but were unsuccessful. Shortly thereafter, the Plaintiff brought an action in the Supreme Court of Nova Scotia alleging, *inter alia*, discrimination, constructive dismissal and tortious interference with contractual relations. The Defendant offered to continue the employment relationship provided that the Plaintiff withdrew

his action. The Plaintiff refused. The Defendant terminated the Plaintiff's employment without further notice.

Issues: Does the court have jurisdiction to deal with the matter? Should comments made by the Defendant's in-house counsel at the time of the mediation be admitted into evidence? Was the Plaintiff constructively dismissed by the Defendant? Was the Plaintiff wrongfully dismissed by the Defendant? Did the Defendant retaliate against the Plaintiff? Damages.

Result: The Court concluded that it had jurisdiction to deal with the matter. The comments made by the Defendant's in-house counsel were not admitted into evidence. The Plaintiff was not constructively dismissed by the Defendant. The Plaintiff was wrongfully dismissed by the Defendant. The Plaintiff was entitled to a notice period of 24 months. The Defendant did not retaliate against the Plaintiff. Damages were assessed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***