

Summary:

A personal representative appealed a registrar's decision concerning his accounts.

Subsequent to the contested hearing before the registrar and before the registrar rendered her judgment two persons wrote to the registrar commenting on matters upon which the registrar was to adjudicate. There was no evidence the personal representative received a copy of the letter. The personal representative submitted the registrar had breached the rules of natural justice. The personal representative appealed the judgment concerning the accounts.

Issues:

What is the proper decision concerning the personal representative's accounts.

SUMMARY:

The letter from the two individuals received after the hearing but before the registrar's judgment was rendered was improper. There was nothing in evidence to indicate it had any impact on the registrar's decision.

The registrar was exercising a judicial function. When exercising a judicial function the principles of natural justice require a party be given an opportunity to hear the case against it and an opportunity to present its case. A party must be afforded the opportunity to correct or contradict evidence prejudicial to its position. The personal representative should have been provided a copy of the letter so he could respond to its contents if he wished.

The accounts were reviewed and the amount to be reimbursed to the estate by the personal representative is reduced by \$158.70 to \$7,376.05

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