

**SUPREME COURT OF NOVA SCOTIA**  
**Citation:** *Sutcliffe v. Sotvedt*, 2015 NSSC 194

**Date:** 20150630  
**Docket:** Ken No. 438992  
**Registry:** Kentville

**Between:**

Brigid Sutcliffe

Applicant

v.

James and Karen Sotvedt

Respondents

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

**Heard:** June 25, 2015 in Kentville, Nova Scotia

**Subject:** Enforcement of Foreign Judgments – Defence of Fraud

**Summary:** Parties participated in house exchange following which the Applicant sued in United Kingdom for alleged damage to her home. Respondents were served with claim but did not defend. Default judgment entered. Applicant seeking to register judgment in Nova Scotia. Registration governed by legislation incorporating convention between Canada and United Kingdom. Defences to registration includes where judgment obtained by fraud.

**Issues:** (1) Have the Respondents proven that UK judgment was obtained by fraud?

**Result:** Defence of fraud as basis for refusing enforcement of a foreign judgment is limited to new and material facts not before the foreign court and not discoverable through due diligence. Evidence filed by Respondents in opposition to registration was intended to show that damage did not occur. This information was known at the time of the original claim and

did not meet the test for proving judgment obtained by fraud. Judgment registered against Respondents in Nova Scotia.

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