

SUPREME COURT OF NOVA SCOTIA

Citation: *Gibson v. Julian*, 2016 NSSC 15

Date: 2016-01-12

Docket: Hfx No. 425438

Registry: Halifax

Between:

Debra Gibson

Plaintiff

v.

Mary R. Julian

Defendant

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Judge: The Honourable Justice James L. Chipman

Heard: December 1 and 2, 2015 in Halifax, Nova Scotia

Written Decision: January 12, 2016

Subject: Liability with respect to a motor vehicle accident in a four-way stop intersection.

Quantification of damages involving interpretation of s. 113E of the *Insurance Act*, R.S.N.S. 1989, c. 231 (the *New Cap*), applying to accidents that occurred on or after April 28, 2010.

Summary: The parties were involved in a low-speed motor vehicle accident on March 9, 2012.

Issues: (1) Liability
(2) Damages

Result: Found the defendant 100 per cent liable for the accident. Determined Ms. Julian drove through the intersection, without regard to her stop sign or the plaintiff's vehicle. With respect to damages, found the *New Cap* applicable and awarded

damages as follows:

1.	General damages (<i>New Cap</i> amount)	\$7,956.00
2.	Special damages	\$2,275.03
3.	Loss of valuable services	\$7,500.00
4.	Prejudgment interest on general damages and valuable services (2.5% x 46 months)	\$1,500.00
5.	Prejudgment interest on special damages (4% x 46 months)	\$350.00
	Total	\$19,581.03

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