

SUPREME COURT OF NOVA SCOTIA
Citation: Casey v. Wheatley, 2009 NSSC 238

Date: 20090731
Docket: Hfx No. 304322
Registry: Halifax

Between:

Michael John Casey

Appellant

v.

Kevin Michael Wheatley

Respondent

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Judge: The Honourable Justice Glen G. McDougall

Heard: July 20, 2009, in Halifax, Nova Scotia

Subject: An appeal of a decision of a Small Claims Court Adjudicator under s. 32 of the *Small Claims Court Act* based on an error of law.

Summary: The appellant claimed reimbursement for one-half of the maintenance and repair costs associated with a pleasure boat that had been jointly owned by him and the respondent. Ownership of the boat had been transferred to the appellant as part of a full and final settlement of all claims arising out of the termination of the parties business ventures.

Issue: Did the Learned Adjudicator commit an error of law in deciding that the appellant's claim against the respondent was barred due to issue estoppel?

Result: The Learned Adjudicator made no "palpable and overriding" error in determining the facts nor any error of law in properly applying the facts when deciding that issue estoppel existed.

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