

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: VFC Inc. v. MacLean, 2009 NSSC 314

Date: 20090624

Docket: Pic 309502

Registry: Pictou

Between:

VFC Inc.

Appellant

v.

Robert S. MacLean

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Douglas L. MacLellan

Heard: June 24th, 2009, in Antigonish, Nova Scotia

**Written
Decision:** October 27th, 2009

Subject: Civil Law, Small Claims Appeal

Summary: Claimant sued on conditional sales contract signed between respondent and used car dealer. Contract indicated on face that payments under contract to be made to claimant and not to the vendor.

Section 5(1) of *Small Claims Court Act* prohibits action in that court if claimant is not original party to the contract. Adjudicator dismissed claim based on Section 5(1) of the *Act*.

Issue: Was decision of Small Claims adjudicator correct in his application of Section 5(1) of the *Small Claims Court Act*.

Result: Appeal allowed. Section 5(1) of *Act* did not prohibit claimant

from proceeding in Small Claims Court. Claimant was party to original contract despite not being a signatory to the contract. Contract clearly indicated claimant involved in the contract.

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