

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: Robie Financial Inc. v. Pye, 2009 NSSC 397

Date: December 22, 2009

Docket: B 33527

Registry: Halifax

District of Nova Scotia
Division No. 01 - Halifax
Court No. 33527
Estate No. 51-1198349

Between:

Robie Financial Incorporated

Applicant

- and -

**PricewaterhouseCoopers Inc., Trustee in Bankruptcy of
Barry Kevin Pye**

Respondent

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Registrar: Richard W. Cregan, Q.C.

Heard: October 2, 2009

Written Decision: December 22, 2009

Summary: The bankrupt had given security when purchasing an all terrain vehicle. The vehicle being consumer goods and serial numbered goods, the financing statement was required to be registered under both the name registry and the serial number

registry. It was, but the bankrupt's name was not properly registered. It omitted his middle name. Such is required by the Regulations under the PPSA.

The Trustee took the position that for this reason the registration was defective and thus the security was not effective as against the Trustee.

The security holder argued that this defect was not seriously misleading as one would find the registration under the serial number registry. In other words, it was asserting the dual search rule.

Result:

It was held that the dual search rule does not apply in Nova Scotia. Therefore the registration is defective.

The security holder also submitted that on the basis of promissory estoppel the Trustee should grant a release of its interest in the vehicle, notwithstanding the defective registration. It was held that the necessary elements of promissory estoppel were not proved.

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