

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: MacIntyre v. Cape Breton District Health Authority, 2009 NSSC 202

Date: 20090630

Docket: Syd 225468

Registry: Sydney

Between:

Duncan F. MacIntyre

Plaintiff

v.

Cape Breton District Health Authority

Defendant

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: April 6, 7,8,9, 2009, in Sydney, Nova Scotia
April 14, 15, 16, 17, 20, 2009, in Halifax, Nova Scotia
April 22, 23, 24, 27, 28, 29, 30, and
May 1, 2009 in Sydney, Nova Scotia
May 11, 2009, in Antigonish, Nova Scotia

Written Decision: June 30th, 2009

Subject: Civil Law. Claim by plaintiff against landlord for negligence in way renovations done to hospital building where he rented space.

Summary: Plaintiff, a dental surgeon rented space from defendant in its hospital at New Waterford. In May, 2002 plaintiff became sick causing him to stop work in April of 2003. He alleged that when renovations were done by defendant to space at hospital next to his office, heavy metals were released in dust and ingested by him causing his medical problems. Plaintiff not able to return to work and claimed damages for lost wages to age 65 and substantial general and special damages.

Issue:

1. Did defendant breach duty of care to plaintiff by the manner by which renovations were done to hospital?
2. Did plaintiff ingest heavy metals in dust generated by construction work?
3. Did heavy metals cause the plaintiff's illness?
4. What are plaintiff's damages?

Result:

1. Defendant breached duty of care to plaintiff.
2. Plaintiff did not establish he suffers from heavy metal toxicity.
3. Heavy metals not cause of plaintiff's illness.
4. Plaintiffs claim dismissed.
5. Provisional damages accessed.

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