

SUPREME COURT OF NOVA SCOTIA
Citation: Mattinson v. Fanning, 2011 NSSC 334

Date: 20110729
Docket: Hfx No. 348164
Registry: Halifax

Between:

Pauline Anne Mattinson

Applicant

v.

Andrew James Fanning

Respondent

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Judge: The Honourable Justice C. Richard Coughlan

Heard: July 27, 2011 (in Chambers), in Halifax, Nova Scotia

Decision: July 29, 2011 (Orally)

**Written Release
of Decision:** September 6, 2011

Subject: Trusts - Whether Real Property held on a Constructive or
Resulting Trust

Summary: Applicant conveyed real property to Respondent so that mortgage financing could be obtained. Applicant applies for an order the property is held on a resulting or constructive trust.

Applicant seeks an order declaring she is the beneficial owner of the real property and a conveyance of the legal title.

Issue: Does the respondent hold the property on a resulting or constructive trust?

Result: Respondent holds the real property on a resulting trust for the applicant. In the alternative, the respondent holds the real property on a constructive trust.

Application granted.

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