

SUPREME COURT OF NOVA SCOTIA

Citation: *Maritime Travel Inc. v. Boyle*, 2011 NSSC 318

Date: 20110811

Docket: Hfx. No. 312635

Registry: Halifax

Between:

Maritime Travel Inc.

Plaintiff

- and -

Hugh Boyle

Respondent

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Judge: The Honourable Justice Peter Rosinski.

Heard: July 28, 2011, in Halifax, Nova Scotia

Subject: Summary judgment on evidence - settlement agreement and the principles of agency

Summary: Maritime successfully sued go travel. Go travel sought a stay of the decision pending appeal. During negotiations outside of chambers between counsel an agreement was reached which was later reduced to a consent order. Within the order was a requirement that Hugh Boyle pay two installments into the trust account of the solicitors for Go Travel. When he did not complete the second payment Maritime sued him personally alleging a contract between Maritime and Boyle. Maritime sought summary judgment as against Hugh Boyle, who was allegedly represented personally by the same counsel that represented Go Travel.

Issue: Have the preconditions for summary judgment been met?

Result: Motion denied. There is conflicting evidence as to whether counsel for Go Travel was also representing Hugh Boyle

personally, and whether that counsel had actual, or apparent authority to act on his behalf. The matter must be dealt with by way of trial.

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