

SUPREME COURT OF NOVA SCOTIA

Citation: *Royal Bank of Canada v. Kafrouny*, 2014 NSSC 153

Date: 20140429

Docket: Hfx No. 412769

Registry: Halifax

Between:

Royal Bank of Canada

Plaintiff

v.

Dr. Arzy Kafrouny and Trevor G. Wise

Defendants

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Judge: The Honourable Justice Peter P. Rosinski

Heard: April 29, 2014 in Halifax, Nova Scotia

Subject: **CPR 72.13(2) – Permissible “protective disbursements”
CPR 39.04 – when an affidavit may be struck in its
entirety**

Summary: **This case involves a typical claim for “protective
disbursements”**

Issues: (1) Is the affidavit of a Veranova Properties Ltd.
representative admissible regarding its purported “protective
disbursement” claims?

Result: The affidavit is not admissible and struck in its entirety – it
violates Rule 39 requirements as to the form and permitted
content of affidavits.

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