

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Kays v. N.A. Brown Holdings Limited*, 2014 NSSC 260

**Date:** 20140709

**Docket:** *Halifax*, No. 410476

**Registry:** Halifax

**Between:**

Kathy Rakhel Kays

*Applicant*

v.

N.A. Brown Holdings Limited

*Respondent*

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice James L. Chipman

**Heard:** May 27 and 30, 2014 in Halifax, Nova Scotia

**Written Decision:** July 9, 2014

**Subject:** Civil Procedure Rules 72.16(1), 72.16(2) and unjust enrichment

**Summary:** Motion for a redemption order under the above Rule and in the alternative, for unjust enrichment.

**Issues:** (1) Should the redemption order be granted?  
(2) Is there a case for unjust enrichment?

**Result:** Redemption order denied on the basis that the Applicant's claim does not go to the root of the collateral mortgage in question. Alternative claim for unjust enrichment denied on the basis that it requires a more fulsome hearing.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***