

SUPREME COURT OF NOVA SCOTIA

Citation: *Spidell v LaHave Equipment Ltd.*, 2014 NSSC 255

Date: 20140708

Docket: Bwt. 193703

Registry: Bridgewater

Between:

Laurie W. Spidell

Plaintiff

and

LaHave Equipment Limited, Case Credit
Limited and Case Canada Limited

Defendants

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Judge: The Honourable Justice C. Richard Coughlan

Subject: Summary Judgment

Summary: LaHave Equipment Ltd. was a dealer for Case Canada Ltd. The plaintiff approached LaHave Equipment to discuss the acquisition of a harvester for use in his forestry business. The plaintiff purchased a case excavator with a Keto harvesting head. The plaintiff claims LaHave Equipment employees made representations as to how much wood the machine could harvest. The plaintiff purchased the harvester. He failed to make the required payment and the equipment was repossessed.

The plaintiff sued LaHave Equipment claiming damages for alleged misrepresentations. LaHave Equipment defended the action. Subsequently, LaHave Equipment made an assignment in bankruptcy. The plaintiff amended his claim adding Case Canada and Case Credit Limited claiming LaHave Equipment was their agent. Case Canada and Case Credit move for summary judgment.

Issue: Is this an appropriate case for summary judgment.

Result: At the hearing the plaintiff argued his claim against Case Credit should be dismissed. Case Canada objected to certain evidence on the basis it was hearsay. A portion of the evidence objected to was ruled inadmissible.

The plaintiff's claim was based on LaHave Equipment being an agent for Case Canada. There was no evidence that LaHave Equipment was the agent of Case Canada. There was no issue of material fact requiring trial. The plaintiff did not establish his claim as one with a real chance of success.

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