

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *Bank of Nova Scotia v. Galeco Trading Company Ltd.*, 2006 NSSC 241

Date: 20060802

Docket: SH 253064

Registry: Halifax

Between: The Bank of Nova Scotia

Applicant/Plaintiff

v.

Galeco Trading Company Limited and J. Gaile Smith

Respondent/Defendant

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: July 19, 2006, in Halifax, Nova Scotia

Subject: Summary Judgment CPR 13

Summary: The Bank applied for summary judgment against the company in the amount of \$175,898.92 and against Smith personally in the amount of \$71,673.10. When Smith filed her affidavit Bank withdrew application against her personally. The company for more than five years dealt with the Bank which consistently stated defaults did not constitute waiver and Bank for some time advised company to seek alternate banking source. Company alleges general statement that arrangements historically different than acknowledged and stated in correspondence.

Result: For company to raise arguable issue must do more than state generally such exists. No particulars or specifics whatsoever to support general pleading (*Chater v. Canada Lands Co.* 2005 NSCA 121). No arguable issue. Bank entitled to summary judgment against the company in the amount of \$175,898.92

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