

SUPREME COURT OF NOVA SCOTIA

Citation: *Boudreau v. Darnoc Investments Inc.*, 2014 NSSC 338

Date: 20140916

Docket: *Halifax*, No. 275528

Registry: Halifax

Between:

Donald Boudreau

Plaintiff

v.

Darnoc Investments Inc. and Lawrence Conrad

Defendants

Judge: The Honourable Justice Allan P. Boudreau

Heard: By Written Submissions dated September 22, 2014

Written Decision: October 23, 2014

Counsel: Peter Coulthard, for the Plaintiff
Tim Hill, for the Defendants

By the Court:

Addendum to the Decision on Costs:

[1] Since my oral decision on costs rendered August 27, 2014, the parties have been unable to agree on the entitlement to interest accrued on the \$50,000 held in trust pending the outcome of the main litigation. Both parties now claim to be entitled to the full amount of this interest. With respect, they are both wrong. Their positions overlook the fact that neither party was entitled to the \$50,000 until the main litigation was decided. It is true that the plaintiff was deprived of the use of those funds until the litigation was decided, but so were the defendants.

[2] As stated in my August 27, 2014 decision on costs, the great majority of the trial evidence was about issues other than the Ontario lease obligations; namely the shortfall of money in the Treasury Reconciliation. The entitlement to the \$50,000 held in trust hinged primarily on the Court's resolution of the main issue. I found that the plaintiff and the defendants were equally at fault for this shortfall.

Conclusion:

[3] Since the parties were found equally at fault for the Treasury shortfall, it logically follows that they are only entitled to an equal sharing of the interest on the money held in trust pending the determination of this main issue at trial.

[4] I will grant an order accordingly, prepared as I had earlier directed.

Boudreau, J.