

Claim No. SCCH 295529
Date: 20081006

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

Cite as: Nahas v. Synder, 2008 NSSM 69

BETWEEN:

NICHOLAS NAHAS and BASSAM NAHAS

Claimant

- and -

DANUTA SNYDER

Defendant

Editorial Note

Phone numbers and addresses have been removed from this unofficial electronic version of the judgment.

DECISION

This matter came before the Small Claims Court of Halifax and Province of Nova Scotia on the 26th day of August A.D. 2008.

The Claimant and Defendant appeared and service of the Notice of Claim was in accordance with the rules and regulations of the *Small Claims Court Act*. The Claimant was self-represented and the Defendant was represented by Counsel Joshua E. Martin.

This matter involved an accident which occurred on December 31, 2007. The facts that I accept after hearing from the Claimant and Defendant are as follows:

The Claimant was proceeding along Tower Road in Halifax during the evening of December 31, 2007. The roads were snowy and it was late in the evening of December 31st. While conditions were not ideal they did not cause the accident. The Claimant was traveling north on Tower Road and the Defendant was traveling west on a street perpendicular to Tower Road. The Defendant came to a stop sign at the end of her road with the intention of proceeding across Tower Road to her residence which was located on Tower Road. The Defendant was focused on a vehicle to her right and determined that she had enough time to cross the street before that vehicle would come

upon her. It is my view that she did not consider the Claimant's vehicle and proceeded across the road when it was unsafe to do so. The Claimant attempted to take evasive action when the Defendant pulled in front of his vehicle and fortunately avoided more serious damage. The Claimant shall succeed in his claim against the Defendant and as the amount of damages is not in question, the Claimant shall be awarded same.

IT IS THEREFORE ORDERED that the Defendant pay the Claimant the following sums:

\$2,723.47	Car repair
<u> \$85.44</u>	Court costs
\$2,808.91	Total

Dated at Halifax, on the 6 day of October, 2008.

David T.R. Parker
Small Claims Court Adjudicator