

Claim No. SCCH 415083

Date: 20130912

Small Claims Court of Nova Scotia

Cite as: Anwar of Canada Ltd. v. Algarash, 2013 NSSM 35

Between

Anwar of Canada Limited

Claimant

and

Ahmed Algarash/Fadhilah Altaweel.

Defendant

ORDER

1. This was an appeal from a residential tenancy decision and Order of the Director of Residential Tenancy dated April 25, 2013 and being more particularly file number 201300599.

2. Following a hearing of the evidence including the expert evidence of the respondent tenant it was determined that the appellant had not proven its case and I shall confirm him and the Order of the Director of Residential Tenancy and only vary the Order to the extent that the appellant landlord is to pay the cost of the expert report of AD Tupper & Associates Limited which in my view was necessary in the respondent's defense. Both parties were well-prepared and I commend Iri Martin representing the appellant, for his interesting theories on the cause of the damage to the pipes in the appellant's apartment. Chris Wiebe, Senior Law Student representing the respondent was prudent in obtaining an expert's opinion and that was the convincing evidence resulting in this decision. I therefore shall confirm the Order of the Director of Residential Tenancies and order the payment of the expert's report being \$1035.00

Is Therefore Ordered That the Appeal of the appellant landlord be dismissed and the costs be awarded to the respondent in the amount of \$1035.00

Dated at Halifax this 12th day of September 2013