

NOVA SCOTIA COURT OF APPEAL

Citation: *Patriquin v. Killam Properties Inc.*, 2014 NSCA 114

Date: 20141223

Docket: CA 420770

Registry: Halifax

Between:

Mark Patriquin

Appellant

v.

Killam Properties Inc.

Respondent

Judge: The Honourable Justice Joel E. Fichaud

Appeal Heard: December 3, 2014, in Halifax, Nova Scotia

Subject: Appeals - Residential Tenancies - Small Claims Court

Summary: The Supreme Court allowed a lessor's appeal from a decision of a Small Claims Court adjudicator on a residential tenancies matter. The lessee filed a notice of appeal to the Court of Appeal. The lessor moved for an order to dismiss the appeal.

Issues: Does the Court of Appeal have jurisdiction to hear a further appeal from the Supreme Court after an appeal from the Small Claims Court in a residential tenancies dispute?

Result: The Court of Appeal granted the motion and dismissed the appeal. Section 32(6) of the *Small Claims Court Act* says that a decision of the Supreme Court pursuant to s. 32 "is final and not subject to appeal". As the Decision of the Supreme Court in this matter was pursuant to s. 32, s. 32(6) precluded a further appeal to the Court of Appeal. The Court of Appeal's appellate authority over taxations of legal costs and lawyers' fees did not apply to this residential tenancies matter.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.