

CASE NO.**VOL. NO.****PAGE**

MUTUAL LIFE ASSURANCE
COMPANY OF CANADA

- and -

GERALD NEVES

Appellant

Respondent

CA 173236

Halifax

ROSCOE, J.A.

[Cite as: **Mutual Life Assurance Company of Canada v. Neves, 2002 NSCA 2**]

APPEAL HEARD: January 8, 2002

JUDGMENT DELIVERED: January 9, 2002

SUBJECT: Disability Insurance: Interpretation of Policy

SUMMARY: The respondent was insured pursuant to a group policy issued by the appellant, which provided among other benefits, that in the event of disability, he would be paid a monthly benefit equal to two-thirds of his monthly income, less amounts received from other sources, such as Workers' Compensation and Canada Pension. The parties agreed that the respondent was disabled, and that he had received or was entitled to receive payments from Canada Pension and Workers' Compensation.

ISSUE: Whether the amounts received from the other sources were to be deducted from the benefit payable pursuant to the policy on a monthly basis or cumulatively?

RESULT: Appeal dismissed. The trial judge correctly interpreted the policy and determined that the amounts received from Workers' Compensation and Canada Pension should be deducted on a monthly basis, not cumulatively.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S JUDGMENT. QUOTES MUST BE FROM THE JUDGMENT, NOT FROM THIS COVER SHEET. THE FULL COURT JUDGMENT CONSISTS OF 2 PAGES.