

NOVA SCOTIA COURT OF APPEAL

Citation: *Séide v. Ross Estate*, 2005 NSCA 157

Date: 20051130

Docket: CA 250440

Registry: Halifax

Between:

Yanick Séide

Appellant

v.

The Estate of Stephen Robert Ross

Respondent

Judge: The Honourable Justice Linda Lee Oland (Orally)

Appeal Heard: November 30, 2005

Subject: *Estates - Beneficiary designation*

Summary: Prior to his passing, the late Mr. Ross changed the beneficiary designation on his supplementary death benefit from his wife, the appellant, to his estate. She applied to have that designation reversed, arguing that he was incompetent when the change was made. She represented herself on the application. The Chambers judge noted several procedural difficulties, such as the lack of notice and service upon the legal representative, and information that had not been supplied. He dismissed the application based on the information before him.

Issue: Whether the judge made palpable and overriding errors of fact and erred in law by failing to distinguish between the supplementary death benefit and a pension. Whether he failed to follow the requirements of natural justice by not assisting the appellant further and by failing to order an adjournment of her application.

Result: Appeal allowed. It appears that the judge did not intend his dismissal of the application to be the final determination of this matter. His order was varied by adding to the conclusion of its

operative paragraph, the words “without prejudice to the application being renewed on proper material and notice.” The appellant was directed to advise the Chambers judge on the renewed application, of the existence of all known and potential creditors of the estate.

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 3 pages.