

CASE NO.

VOL. NO.

PAGE

RUBY BANKS

- and -

THE PORTAGE LA PRAIRIE
MUTUAL INSURANCE COMPANY

(Appellant)

(Respondent)

CA 155159

Halifax, N.S.

FLINN, J.A.

[Cite as: Banks v. Portage La Prairie Mutual
Insurance Company, 1999 NSCA 137]

APPEAL HEARD:

November 10, 1999

JUDGMENT DELIVERED:

November 10, 1999

WRITTEN RELEASE OF ORAL:

November 16, 1999

SUBJECT:

Continuing Section B benefits - failure of the insured to prove entitlement - the Insurance Act, R.S.N.S. 1989, c. 231, Part IV, Section B

SUMMARY:

The appellant brought action against her insurer for continuing income replacement benefits under the provisions of Section B to Part IV of the **Insurance Act**. The trial judge concluded that the appellant had not discharged the burden of proof that, on a balance of probabilities, the appellant was prevented from engaging in any occupation or employment for which she is reasonably suited. He came to that conclusion because of his findings that the preponderance of medical evidence, and the evidence of the appellant, did not satisfy him that she was unable to do much of the work that she did before the accident.

RESULT:

Appeal dismissed. The trial judge made no reversible error in his conclusion or in his evidentiary findings on which that conclusion is based.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.