

NOVA SCOTIA COURT OF APPEAL  
Cite as: **A.K.W. Homes Ltd. v. County Realty Ltd., 1995 NSCA 9**

**Chipman, Roscoe and Pugsley, JJ.A.**

**BETWEEN:**

A. K. W. HOMES LIMITED

Appellant

Hugh R. McLeod  
for the Appellant

- and -

COUNTY REALTY LIMITED

Respondent

Michael S. Ryan, Q.C.  
for the Respondent

Appeal Heard:  
February 3, 1995

Judgment Delivered:  
February 3, 1995

**THE COURT:** The appeal is dismissed as per oral reasons for judgment of Chipman, J.A.; Roscoe and Pugsley, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by

**CHIPMAN, J.A.:**

This is an appeal from a decision in the Supreme Court fixing amounts

owed by the appellant and the respondent to one another respectively arising out of business dealings between them over a number of years. The amount found owing to the respondent exceeded that owing to the appellant, resulting in a net judgment in the respondent's favour.

We have considered the record, the written submissions of counsel and the oral argument presented to us today.

In our view, the trial judge made no palpable or overriding error in his findings of fact or in the application of the law.

The appeal is dismissed with costs which are fixed at 40% of the trial costs, plus disbursements to be taxed.

Chipman, J.A.

Concurred in:

Roscoe, J.A.

Pugsley, J.A.