

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** *Macdonald v. Smith*, 2013 NSCA 117

**Date:** 20131016  
**Docket:** CA 413386  
**Registry:** Halifax

**Between:**

Michael Macdonald and Maritime Residential Housing  
Development Limited

Appellants

v.

Stephen Smith, Moray Tawse, Robert Inglis, Scott C.  
McKenzie, Jason Ellis, Jeremy Wedgbury, Susan J. Biggar  
and Lisa White [of the Board of Directors of:  
First National Financial GP Corporation]

Respondents

- and -

Karen Kinsley [President: Canada Mortgage and Housing Corporation]

Respondent

**Judges:** MacDonald, C.J.N.S.; Farrar and Bryson, J.J.A.

**Appeal Heard:** October 16, 2013, in Halifax, Nova Scotia

**Written Release** October 17, 2013

**Held:** Appeal dismissed with costs to First National Financial GP Corporation and Canada Mortgage and Housing Corporation per oral reasons for judgment of the Court

**Counsel:**

Appellant in person

Rebecca Hiltz LeBlanc, for the respondents, Stephen Smith, Moray Tawse, Robert Inglis, Scott C. McKenzie, Jason Ellis, Jeremy Wedgbury, Susan J. Biggar and Lisa White [of the Board of Directors of: First National Financial GP Corporation]

J. Andrew Fraser and Nathan Sutherland, for the respondents,  
Karen Kingsley & Canada Mortgage and Housing



**Reasons for judgment: (Orally)**

[1] By Order of Justice N.M. (Nick) Scaravelli of the Supreme Court of Nova Scotia the actions of Michael Macdonald and Maritime Residential Housing Development Limited were dismissed because they did not raise a genuine issue for trial and the proceedings constituted an abuse of process.

[2] Mr. Macdonald and Maritime Residential Housing Development appealed Scaravelli, J.'s Order. The respondents on the appeal moved for an order to quash or dismiss the appeal because the appeal was frivolous, vexatious and without merit.

[3] After reviewing the motions and materials filed on behalf of the respondents and having heard Mr. Macdonald's submission on behalf of himself and Maritime Residential Housing Development Limited, we are unanimously of the view the motion to quash the appeal should be granted.

[4] The appeal as filed is frivolous, vexatious and without merit and is hereby dismissed.

[5] The corporate respondents First National Financial GP Corporation and Canada Mortgage and Housing Corporation shall be entitled to costs in the amount of \$1500 each inclusive of disbursements.

MacDonald, C.J.N.S.

Farrar, J.A.

Bryson, J.A.