NOVA SCOTIA COURT OF APPEAL

Cite as: Wheelhouse Investments Ltd. v. Confederation Trust Company, 1994 NSCA 186

Hallett, Hart and Jones, JJ.A.

BET	WE	EN:
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WHEELHOUSE INVESTMENTS I a body corporate, MICHAEL DESA and MISSY DESANTIS))	Michael K. Power for the appellants
	Appellar	nts)))
- and - CONFEDERATION TRUST COM	PANY)	Timothy C. Matthews for the Respondent
)
	Responden	t	Appeal Heard: September 28, 1994
			Judgment Delivered: September 28, 1994
))
))
)

THE COURT: Appeal dismissed with costs to the respondent in the amount of \$750.00 plus disbursements per oral reasons for judgment of Jones, J.A.; Hallett and Hart, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

JONES, J.A.:

We see no error on the part of the trial judge in allowing a deficiency judgment

in this case. The deficiency was based on the resale price of the property which was listed on the open market for a considerable period of time. That was evidence of the fair market value on which the trial judge was entitled to rely. See **Royal Trust Corporation of Canada v. Offman** C.A. No. 101155 dated June 27, 1994. The appeal is dismissed with costs to the respondent which are fixed at \$750.00 plus disbursements.

J.A.

Concurred in:

Hallett, J.A.

Hart, J.A.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

WHEELHOUSE INV LIMITED, a body cor DESANTIS and MIS	porate, MICHAEL)))
- and - FOR	Appellants)) REASONS
DV	`) JUDGMENT
BY: CONFEDERATION a body corporate	TRUST COMPANY	Y))
	Respondent) JONES,) J.A.)
	\$ \$)))