



This appeal in essence involves the decision of the trial judge dismissing a claim in occupiers' liability against the respondent. We have studied the record, the facts of counsel and have heard oral argument. It is our unanimous opinion that the trial judge made no error in the application of the law nor did he make any palpable or manifest error of fact which would permit this court to overturn his conclusions in respect to liability or his provisional assessment of damages.

We dismiss the appeal with costs which are 40% of those agreed upon by counsel at trial, plus the appeal disbursements.

J.A.

Concurred in:

Chipman, J.A.

Roscoe, J.A.

S.C.A. No. 02711

NOVA SCOTIA COURT OF APPEAL

