

**IN THE SMALL CLAIMS COURT OF NOVA SCOTIA**

Cite as: Ryan Duffy's Restaurants Ltd. v. Universal Property Management Ltd., 2005 NSSM 22

2005

Claim No. 236664

Date: 20051230

**BETWEEN:**

Name: **Ryan Duffy's Restaurants Limited and Shamrock Restaurants Limited** Claimants

Address: c/o Jason McQuaid  
Merrick Holm  
2100-1801 Hollis Street  
Halifax, NS B3J 2X6

Phone: (902) 482-7022

- and -

Name: **Universal Property Management Limited** Defendant

Address: c/o F.D. Medjuck, Q.C.  
Medjuck and Medjuck  
1601 Lower Water Str.  
Halifax, NS B3J 2X1

Phone: (902) 429-4061

**Appearances:**

Claimants: Jason McQuaid

Defendant: Terry F. Degen

**D E C I S I O N - Costs and Final Order**

[1] By correspondence dated November 17, 2005, and November 25, 2005, from counsel for the Claimants and Defendant, respectively, I reviewed submissions on costs.

[2] In my view the cost amount of \$417.89 is not unreasonable and would have been incurred by Shamrock itself whether or not Ryan Duffy's was also a Claimant. Accordingly, I am prepared to allow that amount.

[3] The figure put forward by the Defendant of \$226.16 also appears to be not unreasonable and I would allow that as against Ryan Duffy's Restaurants Limited. I note in this regard that the Claimants are separate corporate entities and are entitled to be treated separately with respect to the issue of costs.

[4] With respect to the issue of prejudgment interest, I would understand that the payment made under protest in September 2004, was made by Ryan Duffy's Restaurants Limited, not Shamrock Restaurants Limited. Since the claim of Ryan Duffy's is being dismissed, it would not be appropriate to allow prejudgment interest in this case.

[5] In the result, I order as follows:

**IT IS HEREBY ORDERED** that the Defendant, Universal Property Management Limited pay to Shamrock Restaurants Limited the following:

Debt:	\$10,000.00
Costs:	<u>417.89</u>
Total:	\$ 10,417.89

**IT IS FURTHER ORDERED** that the claim of Ryan Duffy's Restaurants Limited is dismissed and that Ryan Duffy's Restaurants Limited pay to Universal Property Management Limited the amount of \$226.16.

**DATED** at Halifax, Halifax Regional Municipality, Nova Scotia on December 30, 2005.

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**Michael J. O'Hara**  
**Adjudicator**

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