

NOVA SCOTIA COURT OF APPEAL

Citation: *Brown v. Mar Taino S.A.*, 2017 NSCA 38

Date: 20170509

Docket: CA 454861

Registry: Halifax

Between:

Arthur Reginald Brown

Appellant

v.

Mar Taino S.A., a body corporate, Cadena Mar S.L., a body corporate, Thomas Cook Travel Inc., a body corporate and Vision 2000 Travel Management Inc., a body corporate

Respondents

Judges: MacDonald, C.J.N.S.; Saunders and Bourgeois JJ.A.

Appeal Heard: May 9, 2017, in Halifax, Nova Scotia

Written Release May 10, 2017

Held: Appeal dismissed, per reasons for judgment By the Court

Counsel: Brian Hebert and Mark S. Raftus, for the appellant
Arie Odinocki for the respondents Mar Taino S.A. and
Cadena Mar, S.L.
Tanya Caplan for the respondent Thomas Cook Travel Inc.
(not participating)
Tara Miller for the respondent Vision 2000 (not participating)

Reasons for judgment:

By the Court

[1] The appellant, Arthur Reginald Brown, was injured when a restaurant chair collapsed while staying at a resort in the Dominican Republic. He commenced an action against several parties including the travel agents and two corporations that were part of the resort's ownership group.

[2] The two ownership group defendants, the respondents Mar Taino S.A. and Cadena Mar S.L. Corporation, asked the Nova Scotia Supreme Court to dismiss the claims against them for lack of jurisdiction.

[3] Justice Gerald R.P. Moir heard the matter and granted the motion, concluding that the Supreme Court of Nova Scotia had no jurisdiction to entertain that aspect of the claim.

[4] Mr. Brown has asked this Court to reverse that order, so that his action against these defendants may continue in Nova Scotia.

[5] We are of the unanimous view that the appeal should be dismissed.

[6] In reaching this conclusion, we do not necessarily endorse the motion judge's dicta that a contract was partially formed in Nova Scotia. However, we are not persuaded that the motions judge erred in his interpretation of the applicable legislation or common law.

[7] As such, the appeal is dismissed with combined costs to the respondents of \$1,800.00, inclusive of disbursements.

MacDonald, C.J.N.S.

Saunders, J.A.

Bourgeois, J.A.