

**IN THE SMALL CLAIMS COURT OF NOVA SCOTIA**  
**Citation: Sandeson v. Zinck-Selig, 2018 NSSM 20**

BETWEEN:

WILLIAM MICHAEL SANDESON

Claimant

- and -

DYLAN ZINCK-SELIG

Defendant

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**REASONS FOR DECISION**

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**BEFORE**

Eric K. Slone, Adjudicator

Hearing held at Halifax, Nova Scotia on April 5, 2018

Decision rendered on April 17, 2018

**APPEARANCES**

For the Claimant                      self-represented

For the Defendant                    self-represented

**BY THE COURT:**

[1] The Claimant is a young man from Halifax serving a life sentence in a federal penitentiary for the alleged murder of another young man in mid-August 2015. The highly-publicized trial was in 2017. That conviction is under appeal by the Claimant. All of this is well known to many observers in Halifax.

[2] Less well known is the fact that the Claimant was an avid collector of shoes, specifically of sneakers, and that he made his own wine in his spare time.

[3] At the time of the incidents that led to his arrest and incarceration, he was living in an apartment on Henry Street in Halifax, with his roommate Dylan Zinck-Selig. The apartment contained approximately twenty-eight pairs of sneakers made by most of the better-known brands, many of them new and most of them stored in shoeboxes in his closet. These shoeboxes can be seen on the short video made by the police forensic unit when they first entered the apartment with a search warrant, looking for evidence in connection with the alleged murder.

[4] The apartment was off-limits for a considerable length of time while the forensics work was being done. The Claimant did not require access to the apartment as he was locked up. The Defendant had to move out and find alternative accommodations. He was given limited access to get his essential items.

[5] When the apartment was released by the authorities some days or weeks later, and the Claimant's family went to collect his belongings, eighteen of the twenty-eight pairs of shoes were missing. The Claimant had given his family a

detailed list of what they should have found, which list was marked as an exhibit before this court.

[6] There were other things missing, according to the Claimant, who testified before this court in a video link. Approximately 40 bottles of homemade wine and between 5 and 10 bottles of hard liquor were unaccounted for, he said.

[7] The Claimant's theory is that his ex-roommate, the Defendant, took these things, and he claims the value thereof in the amount of \$2,500.00.

[8] The Defendant admits to taking a few things, but not all that the Claimant suspects he took. Specifically, he admits having taken two pairs of sneakers and four bottles of wine. He says that he felt entitled to take these things as partial compensation for the fact that some of his stuff had been destroyed by the police or forensic personnel in their search of the premises. The main item that he referred to was a beanbag chair that had been split open with the result that the beans were piled all over the floor, to the extent that many small items were literally buried in beans. He testified that most of the Claimant's shoes would not have fit him, as they do not wear the same size, but the two pairs he took were the right size.

[9] According to the evidence, the police were not the only outside parties who had access to the apartment during the time from the Claimant's initial arrest until his family went to pick up his things. The landlord had access to the apartment during at least part of that time.

[10] In general terms, I have no problem with the Claimant's credibility. There is nothing inconsistent with his evidence, and his theory holds water to the extent that the Defendant is logically someone who was in a position to help himself to the missing items. By his own admission, the Defendant felt aggrieved by the circumstances which were not of his making, and which caused him great inconvenience and some undoubted financial loss.

[11] The difficulty I have is that the Defendant was not the only person with access to the apartment when things went missing. Police and forensic technicians had access. The Landlord had access, at least for part of the time. The evidence before me falls short of demonstrating that the Defendant was the only one who physically could have taken the stuff. In a civil case, the Claimant bears the legal burden of proving his case on a balance of probabilities. At the end of the day, I am satisfied that the Defendant took some, but not all of the items that the Claimant claims he took.

[12] I do not believe that the Defendant had a right to take anything that was not his. Legally speaking, he did not have a claim against the Claimant that entitled him to help himself to compensation. The Defendant was a victim of systems beyond anyone's control. And of all the victims in the larger scenario, he was one of the least impacted.

[13] I believe that justice is served by assessing the Claimant's damages in the amount of \$500.00 as the value of items admittedly taken. He is entitled to his costs of \$99.70 plus \$99.75 for process serving, for a grand total of \$699.45.

**Eric K. Slone, Adjudicator**