

2018

Claim No. SCT 475092

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA
Citation: Caughey v. Sinton, 2018 NSSM 62

BETWEEN:

ERIC CAUGHEY

Claimant

- and -

CHAD E. SINTON and SINTON'S TOWING

Defendants



DECISION and ORDER

- [1] This claim was heard on September 10, 2018. Both parties were present.
- [2] Basically the claim involves the towing of the Claimant's car by the Defendants which, it is alleged, caused damage. In evidence were photographs of the frame. Based on the photographs which were taken August 25, 2018, I would find on a balance of probabilities that the damage to the frame was caused by the Defendants. Further, I would find that the Defendants owed a legal responsibility in contract or possibly tort to transport the vehicle with appropriate care and not do such in a manner that would cause the type of damage which is shown in the photographs. Accordingly, I find the Defendants are legally responsible to the Claimant for the damage to the frame.
- [3] However, I find the amount claimed excessive. One expects that in the Truro area there would be one shop that would both remove the gas tank and do the welding. I proceed on that basis.

[4] Also, it is not appropriate to claim the original fee charged by the Defendants to seek to have that returned in effect is double counting since the Claimant is also claiming for damages.

[5] In my view the sum of \$400 is an appropriate amount to award and I will so award. As well, the claim is entitled to costs of \$125.

ORDER

[6] It is hereby ordered that the Defendants pay to the Claimant as follows:

Debt	\$ 400.00
Costs	<u>125.00</u>
	\$ 525.00

DATED at Halifax, Nova Scotia, this 24 day of September, 2018.



MICHAEL J. O'HARA
ADJUDICATOR