

CANADA / JUDGMENT

Element v. Del Mar

2012 BCSC 1198

COURT

Supreme Court of British Columbia

DECIDED

8 August 2012

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2012 BCSC 1198 Element v. Del Mar IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Element v. Del Mar, 2012 BCSC 1198 Date: 20120808 Docket: S087769 Registry: Vancouver Between: Barbara Element Plaintiff And Polina Alexandra Del Mar and Hygrozyme Management Inc. Defendants And Angell, Hasman & Associates Realty Ltd., Roy Bonkowski, Scampi Hirst and Madeleine Phillippe Before: The Honourable Mr. Justice R. Punnnett Supplementary Reasons for Judgment Counsel for the Plaintiff: T.R. Bjurman P. Bjurman (Articled Student) Counsel for the Defendant Polina Alexandra Del Mar: J.D. Whyte Counsel for the Defendant Hygrozme Management Inc.: P.J. Goodwin Counsel for the Third Parties: J. Forsythe Place and Date of Judgment: Vancouver, B.C. August 8, 2012

- [1] These reasons supplement those indexed at 2012 BCSC 868. The applications for summary judgment were found not capable of summary disposition.
- [2] Counsel for the third parties seeks clarification with respect to the disposition of the third parties' summary trial application.
- [3] The third party notice of the Company claims indemnity from the third parties for any damages awarded against the Company. Given the plaintiff's claim against the defendants and the counter-claim are not capable of summary resolution the third parties' summary judgment application for dismissal of the third party claim is dismissed as its determination is dependent on resolution of the claim against the Company. "Punnnett J."

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