
SIMONITE *v.* MOXAM

1929
 *Oct. 4.

ON APPEAL FROM THE COURT OF APPEAL FOR MANITOBA

Agency—Real estate agent—Right to commission—Intervention of another agent—Whether chain of causation broken—Estoppel.

APPEAL from the decision of the Court of Appeal for Manitoba (1), reversing the judgment of Galt J. at the trial (2) and dismissing the appellant's action.

The appellant is a real estate agent in Winnipeg and the respondent is a builder in the same city. The appellant

*PRESENT:—Anglin C.J.C. and Duff, Newcombe, Rinfret and Smith JJ.

(1) (1929) 38 Man. R. 113; (2) 38 Man. R. 114.
 [1929] 1 W.W.R. 513.

claims that the respondent employed him to find a purchaser for an apartment block known as the "Blackstone" in St. Boniface and at the same time named the sum of \$100,000 as the price he was willing to accept for the premises. The appellant further says that he then introduced to the respondent one F., the manager of a trust company; and as a result of the appellant's efforts, this company purchased the apartment block for \$100,000. The appellant claims by his action \$3,060 representing his commission. The respondent denies most of the material allegations in the statement of claim and alleges that he sold the property through the agency of a different real estate agent.

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The question at issue in the case was whether, upon the facts, the appellant was entitled to his commission. The trial judge, Galt J., decided in the affirmative; and the majority of the Court of Appeal, Dennistoun, Prendergast and Trueman JJ. reversed this judgment, Perdue C.J.M. and Fullerton J.A. dissenting.

At the conclusion of the argument of counsel for the appellant before this court, and without calling on counsel for the respondent, the court orally delivered judgment dismissing the appeal with costs.

Appeal dismissed with costs.

J. C. Collinson for the appellant.

W. F. Hull K.C. for the respondent.
