
1930*Apr. 22.
*June 10.

BELL-IRVING *v.* MACAULAY, NICOLLS, MAIT-
LAND & CO.ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH
COLUMBIA*Sale of land—Principal and agent—Introduction of purchaser—
Commission*

APPEAL from the decision of the Court of Appeal for British Columbia (1), reversing the judgment of the trial court, McDonald J. and maintaining the respondent's action.

*PRESENT:—Duff, Newcombe, Rinfret, Lamont and Smith JJ.

(1) (1930) 42 B.C. Rep. 140.

The respondent, a licensed real estate agent carrying on business in Vancouver, brought an action to recover from the appellant the sum of \$12,750, being commission on the sale of certain property belonging to appellant in Vancouver.

The trial judge dismissed the respondent's action, but the Court of Appeal maintained it for the full amount.

The Supreme Court of Canada held that the issue on the appeal was a simple issue of fact, whether the offer to purchase, which culminated in the sale, was brought about by the exertions of the respondent, and, upon the evidence, allowed the appeal with costs and restored the judgment of the trial judge, dismissing the respondent's action.

Appeal allowed with costs.

A. Geoffrion, K.C., and J. P. Hogg for the appellant.

C. W. Craig, K.C., for the respondent.

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