## IN THE COURT OF APPEAL OF MANITOBA

Coram: Matas, Huband and Philp JJ.A.

BETWEEN:

QUEST REAL ESTATE LTD.,	A. J. Hogue for the appellant.
(Plaintiff) Respondent,	<pre>M. D. Werier and M. G. Finlayson for the respondent.</pre>
- and -	)
	) Appeal heard:
DACQUAY ENTERPRISES LTD.,	November 15, 1984.
	<pre>Judgment delivered:</pre>
	November 15, 1984.
(Defendant) Appellant.	)

## MATAS J.A.

We do not need to hear from you Mr. Werier.

Dacquay Enterprises Ltd. has appealed from a judgment of Hanssen J., allowing the claim of Quest Real Estate Ltd. for a real estate agent's commission on the sale of a hotel in Notre Dame de Lourdes, in Manitoba. Hanssen J. also allowed interest on the claim from May 1, 1982, at 5% per annum.

The learned trial judge referred to two questions which required resolution:

- 1. "....was there an agreement between the plaintiff and the defendant, whereby the defendant agreed to pay a commission of six percent of the sale price to the plaintiff if the plaintiff introduced someone to the hotel who ultimately purchased the hotel"; and
- 2. "....if there was such an agreement, was the plaintiff the effective cause of the sale of the hotel to the purchaser"?

In our view the evidence supports the conclusion of the learned trial judge in answering both questions in the affirmative.

In our opinion the appellant has not demonstrated any error in the assessment by Hanssen J. of the facts nor in applying the applicable legal principles.

We dismiss the appeal with costs.

FACTUM FEE - \$100.00

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