

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF SAINT JOHN

B E T W E E N:

JOHN TRIVETT,

Plaintiff,

-and-

INTEGRATED STAFFING LIMITED,

Defendant.

BEFORE: Justice Arthur T. Doyle

HEARING HELD: Saint John

DATE OF MOTION: May 28, 2026

DATE OF DECISION: May 28, 2026

SUBJECT MATTER: Small Claims Appeal

COUNSEL:

Michel Boudreau for John Trivett

Kelli Wetmore, for Integrated Staffing Limited

DECISION

DOYLE, J. (Orally)

I. INTRODUCTION

[1] Integrated Staffing Limited filed a claim seeking damages for unpaid invoices. That claim was served on Mr. John Trivett personally by a Deputy Sheriff. Mr. John Trivett did not file a response and default judgment was issued against him.

[2] Mr. John Trivett filed an *Application for Order by Small Claims Court* (Form 23) seeking to have the default judgment set aside.

[3] Adjudicator Brian Maude dismissed the *Application for Order by Small Claims Court* (Form 23).

[4] This is an appeal by Mr. John Trivett of the decision rendered by Adjudicator Brian Maude under the provisions of the *Small Claims Act*.

[5] The ground for the appeal is that the hearing officer erred in law by entering judgment against Mr. Trivett personally, despite the fact that the contractual relationship existed between Integrated Staffing Limited and 677951 NB Inc., doing business as Massage Experts.

[6] Mr. Trivett maintains that he was not a party to the contract and did not personally engage Integrated Staffing Limited. Mr. Trivett maintains that the initial engagement was made by Melanie Holmdon of Massage Experts Franchising. Mr. Trivett maintains that the decision rendered by Adjudicator Brian Maude improperly disregarded corporate separation and misidentified the liable party.

II. LAW AND ANALYSIS

[7] A party may appeal a decision of an adjudicator on a question of law or a question of jurisdiction only.

[8] Findings of fact cannot ground an appeal to this Court.

[9] Adjudicator Maude is owed deference with respect to factual conclusions of any kind, including inferences. An adjudicator's appreciation of the evidence and factual conclusions is not a question of law or jurisdiction and is therefore not a permissible ground of appeal to this Court.

[10] Inferences must be logical and reasonable conclusions drawn on the basis of established facts.

[11] The standard of review regarding questions of law is correctness (*Housen v. Nikolaisen*, [2002] 2 S.C.R. 235, 2002 SCC 33).

[12] Adjudicator Maude correctly noted in his decision that in order to set aside a default judgment, he must be satisfied that (a) the defendant did not receive a copy of the claim **or** (b) that the defendant was unable to defend for good reason **and** (c) the defendant may have a valid defence to the claim.

[13] Adjudicator Maude concluded that Mr. Trivett may have a valid defence to the claim.

[14] Adjudicator Maude also made several factual findings, including the following:

- (a) Mr. Trivett did indeed receive a copy of the claim; and
- (b) because Mr. Trivett failed to provide a “reasonable and satisfactory explanation”, he could not conclude that Mr. Trivett was unable to defend the claim for good reason.

[15] An adjudicator is best placed to assess the evidence before him or her and he or she is owed deference regarding his or her factual conclusions.

[16] In my view, Adjudicator Maude clearly considered and weighed all of the evidence presented. Even if Mr. Trivett could validly appeal from Adjudicator Maude’s factual conclusions, which he cannot, there is no evidence of palpable and overriding error.

[17] I am not satisfied that Adjudicator Maude made an error of law in his decision. In my view, he correctly applied the legal principles in reaching his conclusion.

III. CONCLUSION AND DISPOSITION

[18] Accordingly, the appeal is dismissed.

[19] In accordance with Section 59(4) of the *General Regulation - Small Claims Act*, I am satisfied that costs are appropriate. Mr. Trivett shall be liable for costs in the sum of \$500.00, payable to Integrated Staffing Limited.

Arthur T. Doyle
Judge of the Court of King’s Bench
of New Brunswick