

NOVA SCOTIA COURT OF APPEAL

Citation: McBeth v. Nova Scotia Power Inc., 2005NSCA96

Date: 20050617

Docket: CA 240901

Registry: Halifax

Between:

Andrea M. McBeth

Appellant

v.

Nova Scotia Power Incorporated

Respondent

Judge: The Honourable Justice Roscoe

Appeal Heard: June 8, 2005

Subject: Practice, application to convert application inter partes to action

Summary: Appeal from a ruling that the proceeding, commenced by originating notice (application inter partes), was to be converted to an action. The appellant and the respondent had a long-standing dispute about the payment of her electric bills, which culminated in the disconnection of her power. She then sought by application inter partes, orders in the nature of certiorari, injunctive, declaratory relief and damages for trespass and pain and suffering caused by the respondent's breach of her **Charter** rights and its statutory duty. The chambers judge concluded that the litigation involved substantial disputes of fact.

Issues: Whether the chambers judge applied a wrong principle of law or a patent injustice would result.

Result: Appeal dismissed. The chambers judge correctly determined that the central issue between the parties is whether the Power Corporation breached the disconnection regulations, and the determination of that issue is a question of fact, which will depend on the resolution of numerous other factual issues. No error in principle or in the application of the law to the circumstances of this case or manifestly unjust result.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.

