

NOVA SCOTIA COURT OF APPEAL

Citation: *Geophysical Service Inc. v. Canada (Attorney General)*,
2014 NSCA 14

Date: 20140207
Docket: CA 418566
Registry: Halifax

Between:

Geophysical Service Incorporated

Appellant

v.

Attorney General of Canada

Respondent

Judge: The Honourable Justice Linda Lee Oland

Appeal Heard: February 5, 2014, in Halifax, Nova Scotia

Subject: Unlawful means tort – Summary Judgment - Rule 13.03(1)(a)

Summary: The appellant appealed the motions judge’s decision which summarily dismissed its claim that the respondent had committed the tort of unlawful means against it. Shortly before its appeal was heard, the Supreme Court of Canada issued a decision which clarified certain aspects of the law pertaining to that tort.

Issues: Whether the judge relied on an element of the tort which is no longer required.

Result: Appeal allowed and the Statement of Claim reinstated. The judge’s decision turned on an element which has been removed by recent jurisprudence. In the result, he erred in law. Since the law pertaining to that tort was unsettled, no costs were awarded.

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 5 pages.