

NOVA SCOTIA COURT OF APPEAL  
Citation: *R. v. Briand*, 2003 NSCA 94

**Date:** 20030924  
**Docket:** CA 177599  
**Registry:** Halifax

**Between:**

Troy Briand

Appellant

v.

Her Majesty the Queen  
(Public Prosecution Service Department of Justice)

Respondents

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**Judge:** Hamilton, J.A.

**Appeal Heard:** September 15, 2003

**Subject:** **Protection of Property Act**

**Summary:** Mr. Briand appealed a decision of a Supreme Court Chambers judge refusing to set aside two notices issued to him under the Protection of Property Act.

**Issue:** Did the chambers judge err in refusing to set aside these notices?

**Result:** Appeal dismissed. The **Protection of Property Act** does not expressly provide for an attack on the validity of a notice issued pursuant to it. Even if such a process exists, Mr. Briand has not satisfied the burden which would be on him to adduce evidence or otherwise satisfy the court that the notices were not issued in accordance with the **Act** or that they suffer from any other defect. Notwithstanding that Mr. Briand was prevented by these notices from attending at the premises without legal justification, he is free to communicate by other means with persons at these places.

**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 3 pages.**