

NOVA SCOTIA COURT OF APPEAL

Citation: Silver Sands Realty Ltd. v. Nova Scotia (Attorney General)
2010 NSCA 28

Date: 20100406
Docket: CA 313566
Registry: Halifax

Between:

Silver Sands Realty Ltd.

Appellant

v.

The Attorney General for the Province of
Nova Scotia, the Registrar General of Land Titles
and Service Nova Scotia and Municipal Relations

Respondents

Judge: The Honourable Justice Oland

Appeal Heard: April 6, 2010 (decision rendered orally)

Written Judgment: April 12, 2010

Subject: Watercourses - Water Act, S.N.S. 1919, c. 5, s. 3 - *Environment Act*, S.N.S. 1994-95, c. 1 - Stop Orders - *Land Registration Act*, S.N.S. 2001, c. 6, s. 56(2) - *Municipal Government Act*, S.N.S. 1998, c. 18, s. 268(2)

Summary: The appellant purchased land adjacent to Cow Bay Pond believing that, as described in the Crown grant, it included the land beneath the water. After subdivision approval for lots which extended across that Pond was obtained, the Registrar of Land Titles issued stop orders. The trial judge dismissed the appellant's proceeding seeking to rescind those orders and to perfect the subdivision registration.

Issues: Whether the judge erred (a) in finding that Cow Bay Pond was a watercourse vested in the Crown pursuant to the *Water Act* and the *Environment Act*, or (b) in his interpretation of the *Land Registration Act* and the *Municipal Government Act*.

Result: Appeal dismissed. The judge's reasons met the standards of review of palpable and overriding error and correctness.

<p>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 2 pages.</p>
