

**CASE NO.**

**VOL. NO.**

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CANADIAN UNION OF PUBLIC  
EMPLOYEES LOCAL 1183  
(hereinafter referred to as the  
"UNION") and UNNAMED PERSONS

BRETON BAY NURSING  
HOME LIMITED

- and -

(Appellants)

(Respondent)

C.A. 155485

Halifax, N.S.

FLINN, J.A.  
(Orally)

Cite as: Canadian Union of Public Employees Local 1183 v. Breton Bay Nursing Home Ltd., 1999 NSSC 181

**APPEAL HEARD:** June 11, 1999

**JUDGMENT DELIVERED:** June 11, 1999

**WRITTEN RELEASE OF ORAL:** June 11, 1999

**SUBJECT:** Application for leave to appeal - Mootness - Injunction to restrain picketing activities of Union - Strike settled

**SUMMARY:** On April 8<sup>th</sup>, 1999 the Chambers judge granted an injunction restraining certain activities of the appellant Union who were engaged in an legal strike against the respondent. Notice of appeal with respect to that injunction was filed with this Court on April 19<sup>th</sup>, 1999. On May 12<sup>th</sup>, 1999, the parties settled the strike. By May 15<sup>th</sup>, 1999, the Union membership were back at work.

**ISSUE:** Whether the appeal is moot; and, even if it is, whether the Court should exercise its discretion and hear the appeal on its merits.

**RESULT:** Leave to appeal refused.

1. This case does not meet the "live controversy" as that is enunciated by Justice Sopinka in **Borowski v. Canada (Attorney General)**, [1989] 1 S.C.R. 342.
2. While the appellants raise some interesting issues concerning the extent of the restraint which the trial judge placed on certain of the Union activities, the Court of Appeal was not prepared to exercise its discretion so as to adjudicate upon the merits of this moot appeal.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.**