

SUPREME COURT OF NOVA SCOTIA
Citation: Anderson v. Evans 2005 NSSC 50

Date: 20050201
Docket: SH 238019
Registry: Halifax

Between:

Cameron Robert Anderson

Plaintiff

vs.

Ross Evans

Defendant

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Judge: The Honourable Justice David W. Gruchy

Heard: January 31 and February 1, 2005, in Halifax, Nova Scotia

Oral Decision: February 1, 2005

Written Decision: March 7, 2005

Subject: Injunctions (Interim)

Summary: Defendant commenced construction of a “guest house” on his cottage property at Martinique Beach. Plaintiff claims a prescription right to park vehicles on portion of plaintiff’s property. Plaintiff applied for interim injunction.

Issue: Should interim injunction issue?

Result: Applied 5-part test as in **Sharpe on Injunctions**. Plaintiff may be inconvenienced by construction, but no irreparable harm. Did not file undertaking re damages. Balance of convenience favours defendant.

Application dismissed with costs.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT’S DECISION.
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