

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: *Chater v. Canada Lands Company*, 2005 NSSC 120

Date: 20050518
Docket: S.H. 204478
Registry: Halifax

Between:

Elie Chater and Almon Investment

Plaintiffs/Respondents

v.

Canada Lands Company CLC Limited

Defendant/Applicant

LIBRARY HEADING

Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: February 15, 2005, in Halifax, Nova Scotia (Chambers)

Final Written

Submissions on Costs: May 9, 2005

Summary: Application to strike pleadings and for summary judgment granted in Chambers February 15, 2005 upon the court concluding that mere intentions, negotiations, etc., and pleadings of a cause of action failed to create a cause of action.

Originating notice of action filed July 21, 2003 therefore the new Tariff of September 29, 2004 does not apply (*Little v. Chignecto Central Regional School Board* (2004), 230 N.S.R. (2d) 1.

Result: The hearing was less than two hours in duration. However, a number of steps prior to the application including two days of discovery, etc. Striking the pleadings and alternately granting summary judgment bring a conclusion to the action and therefore costs should be dealt with on a final basis taking into account the time, effort, etc. Costs and disbursements taxed in the amount of \$5,000 plus \$510.97, a total of \$5,510.97.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***