

SUPREME COURT OF NOVA SCOTIA

Citation: *Concrete Shoring Technologies v. Civil Tech Construction Ltd.*,
2014 NSSC 459

Date: 20140613
Docket: Hfx No. 409794
Registry: Halifax

Between:

Concrete Shoring Technologies

Plaintiff

v.

Civil Tech Construction Ltd.

Defendant

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Judge: The Honourable Justice Patrick J. Murray

Heard: April 16, 2014 in Halifax, Nova Scotia

Oral Decision: June 13, 2014

Written Decision: March 10, 2015

Subject: Summary Judgment on the evidence. Civil Procedure Rule 13.04.

Summary: The Plaintiff, Concrete, sought Summary Judgment against the Defendant, Civil Tech. At issue was whether Civil Tech was responsible for damage to construction materials (shoring) rented to it by Concrete. Also, at issue was whether all of the equipment had been returned. Competing affidavits were filed by the principals of both companies.

Issues: Should summary judgement be granted?

Result: The Court found that Concrete failed to meet its evidentiary burden on the first part of the two (2) stage test for summary judgment, because there were material facts in dispute. The

motion for summary judgment was therefore dismissed.

Caselaw: Burton Canada Company v. Coady, 2013 NSCA 95; AGC Flat Glass North America Ltd. v. CCP Atlantic Specialty Products Inc., [2010] NSJ 140.

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