

SUPREME COURT OF NOVA SCOTIA

Citation: Columbia North Realty Company, Re, 2005 NSSC 212

Date: 20050714

Docket: S.H. 250793

Registry: Halifax

IN THE MATTER OF: The *Companies Act* of Nova Scotia, being Chapter 81
of the Revised Statutes of Nova Scotia, 1989 and
amendments thereto

- and -

IN THE MATTER OF: The application of Columbia North Realty Company
for an Order of rectification pursuant to subsection
44(2) of the *Companies Act* and the inherent equitable
jurisdiction of this Honourable Court

LIBRARY HEADING

Judge: The Honourable Justice C. Richard Coughlan

Heard: July 14, 2005 (in Chambers), at Halifax, Nova Scotia

Decision: July 14, 2005 (Orally)

Written Release: July 28, 2005

Subject: Company Law - Application for Rectification of Articles of
Association, Share Register and other actions of the
Company affecting prior year's Income Tax - Notice
Required

Practice - Applications and Motions - Application for
Rectification of Articles of Association, Share Register and
other actions of the Company affecting prior year's Income
Tax - Notice required

- Summary:** A company applied to rectify its Articles of Association, Share Register and other actions of the Company retroactively, which would reduce the income tax payable by the company in prior years.
- Issue:** Should notice be given to Canada Revenue Agency or Minister of National Revenue?
- Result:** An order of a superior court retroactively rectifying actions of a company binds all, including the Minister of National Revenue, unless the order is appealed. Where an order is sought which would affect the income tax payable in prior years, notice should be given to the Minister of National Revenue or Canada Revenue Agency of the application so that the Agency or the Minister may make submissions to the court.

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