

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Aulenback v. Trans Canada Credit Corporation, 2006 NSSC 141

Date: 20060508

**Docket:** SBW 219944

**Registry:** Bridgewater

**Between:**

Percy Aulenback

Applicant

v.

Trans Canada Credit Corporation

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice A. David MacAdam

**Heard:** April 7, 2006 in Bridgewater, Nova Scotia

**Final Written  
Submissions:** March 31, 2006

**Subject:** Real Property - Mortgages - Foreclosure and Sale -  
Setting Aside Sheriff's Sale.

**Summary:** Three properties of the applicant were sold together, as one "lot", by the sheriff pursuant to an order for foreclosure, sale and possession . At the sale, the applicant requested that the three properties be sold individually but his request was refused. Several months following the order confirming sale, the applicant applied to set aside the sale.

**Issue:** Whether a mortgagor may apply to set aside a sheriff's sale, conducted pursuant to an order for foreclosure, sale and possession.

**Result:**

In Nova Scotia the time within which a mortgagor may apply to redeem property, the subject of foreclosure proceedings, expires on the sale by the sheriff pursuant to the order for foreclosure, sale and possession. Objections to the conduct of the sale may be made at/or prior to the date of the hearing the application for the order confirming the sale.

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