

IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

TUBAL CAIN PROPERTIES LIMITED

PLAINTIFF/RESPONDENT

- and -

HALIFAX REGIONAL MUNICIPALITY

DEFENDANT/APPLICANT

Justice C. Richard Coughlan

Halifax, Nova Scotia

S.H. No. 179934

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[Cite as: Tubal Cain Properties Ltd. v. Halifax (Regional Municipality), 2002 NSSC 227]

HEARD: At Halifax, Nova Scotia (in Chambers) before the Honourable Justice C. Richard Coughlan on August 27, 2002

DECISION: September 3, 2002 (Orally)

WRITTEN RELEASE

OF DECISION: October 10, 2002

SUBJECT: Practice - Pleadings - Striking out Pleadings - Grounds - Failure to Disclose Cause of Action

SUMMARY: The plaintiff sued the defendant Municipality for damages arising from the Municipality's failure to enforce its Dangerous and Unsightly Premises Bylaw. The Municipality applied to strike the statement of claim as disclosing no cause of action.

ISSUE: Does the Municipality have a duty of care to the plaintiff as alleged?

RESULT: Application granted. The Municipality's duty is to the public. There is insufficient proximity between the Municipality and the plaintiff to give rise to a duty of care.

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