

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Nova Scotia Real Estate Commission v. Lorway, 2006 NSSC 76]

Date: 20060310

Docket: SH 247204

Registry: Halifax

Between:

The Nova Scotia Real Estate Commission,
a body corporate

Plaintiff

v.

Charles Lorway, Q.C. and Duncan MacEachern, carrying on business as a partnership
under the firm name and style of Lorway MacEachern

Defendant

The Nova Scotia Barristers' Society, a body corporate

Intervenor

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Judge: The Honourable Justice Suzanne M. Hood

Heard: In Chambers on February 7, 2006, in Halifax, Nova Scotia

Written Decision: March 13, 2006

Subject: Interim injunction; barristers and solicitors; *Real Estate Trading Act*

Summary: The Nova Scotia Real Estate Commission seeks an interim injunction against Lorway MacEachern and its partners, Charles Lorway and Duncan MacEachern to enjoin the firm, its partners, associates and employees from trading in real estate without a license pursuant to the *Real Estate Trading Act*, S.N.S. 1996, c.28.

1. The defendants say they fall within an exception set out in the *Act* and are therefore not in breach of the *Act*.

2. The Nova Scotia Barristers' Society is an Intervenor in this matter.

Issue: Should an interim injunction be granted?

Result: There is a serious issue to be tried. Plaintiff has not established irreparable harm. Balance of convenience favours the defendant. Interim injunction **not** granted.

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