

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Lawton's Drug Stores Ltd. v. United Food and Commercial Workers Union Canada, Local 864*, 2016 NSSC 17

**Date:** 20160113

**Docket:** Hfx Nos. 445458 & 438037

**Registry:** Halifax

**Between:**

Lawton's Drug Stores Limited

Applicant

v.

United Food and Commercial Workers Union Canada, Local 864

Respondent

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**Judge:** The Honourable Justice Michael J. Wood

**Heard:** January 7, 2016 in Halifax, Nova Scotia

**Subject:** Judicial Review – Interim Injunction  
Injunctions – Irreparable Harm

**Summary:** The Respondent Union complained to the NS Labour Board about Lawton's conduct during bargaining. The Board issued a direction that bargaining resume with reasons to be provided later. Negotiations resulted in a collective agreement but the Board said it still intended to provide reasons for the direction. Lawton's challenged that decision through the judicial review. Lawton's sought an interim injunction to prevent the Board from releasing reasons pending the judicial review.

**Issues:** Should an interim injunction be issued preventing the Board from providing reasons for the direction?

**Result:** An interim injunction requires evidence of irreparable harm to the Applicant. In this case Lawton's said reasons could harm

the ongoing relationship with the Union including future negotiations. If the judicial review was successful the Board's decision to give reasons and any issued reasons would be quashed. The Court found the reasons would no longer exist and could not be used by the Union or Labour Board to the detriment of Lawton's. This did not amount to sufficient harm to justify an interim injunction and Lawton's motion was dismissed.

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