

SUPREME COURT OF NOVA SCOTIA

Citation: Wilson Fuel Co. Limited v. Canada (Attorney General), 2009 NSSC 215

Date: 20090707

Docket: Hfx No. 179673

Registry: Halifax

Between:

Wilson Fuel Co. Limited, a body corporate, with its principal
place of business at Truro, in the County of Colchester, and Province of
Nova Scotia

Plaintiff

v.

The Attorney General of Canada, representing the
the Crown in Right of Canada; Roland Bourdage and
Alan Johnston

Defendant

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Judge: The Honourable Justice Allan P. Boudreau

Heard: September 30, 2008 to November 19, 2008, in Halifax, Nova Scotia

Written Decision: July 7, 2009

Counsel: W. Dale Dunlop and Donald J. Peverill, for the plaintiff
Lori Rasmussen and Scott McCrossin, for the defendants

Subject: Torts - Negligent Investigation - Duty of Care - Standard of Care -
Malicious Prosecution.

Summary: Wilson Fuel Co. Limited (“Wilson Fuel”) has sued the Attorney General of
Canada (“Measurement Canada”) and Roland Bourdage (“Mr. Bourdage”) and
Alan Johnston (“Mr. Johnston”), (collectively “the Defendants”) alleging
negligent investigation and malicious prosecution on the part of Measurement
Canada, Mr. Bourdage and Mr. Johnston.

Issue: Negligent Investigation and Malicious Prosecution

Result: The Plaintiff failed to prove the Torts of Negligent Investigation or Malicious
Prosecution and the claims were dismissed. Costs to be addressed subsequently.

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