

SUPREME COURT OF NOVA SCOTIA

Citation: *Chater et al v. Canada Lands Company*, 2005 NSSC 37

Date: 20050215

Docket: S.H. 204478

Registry: Halifax

Between:

Elie Chater and Almon Investment

Plaintiffs/Respondents

vs.

Canada Lands Company CLC Limited

Defendant/Applicant

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: February 15, 2005, in Halifax, Nova Scotia (Chambers)

Written Decision: February 17, 2005

Subject: Application to Strike - C.P.R. 14.25 and for Summary Judgment

Summary: Plaintiff met with representative of CLC and held discussions, inquiries etc. with regards to contaminated Gladstone Property which was subsequently placed on tender. Plaintiff not successful tenderer, sued claiming contract, negligent misrepresentation, imparting of confidential information and unjust enrichment.

Issue: Do facts pleaded, taken as true, establish any cause of action?

Result: Mere intentions, negotiations, etc. pleaded, all subject to higher approval do not constitute a contract. Allegations of a cause of action without facts pleaded to support such does not create a cause of action. Plaintiffs' claim struck. If court had not struck claim it would have granted summary judgment.

Law settled - No precedent value.

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