

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Frayn v. Quinlan, 2008 NSSC 63

Date: 20080212

Docket: SH 284574

Registry: Halifax

Between:

Patricia Frayn

Plaintiff

and

Terry Quinlan and Michael Nee

Defendants

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Judge: The Honourable Justice Suzanne M. Hood

Heard: December 6, 2007 in Halifax, Nova Scotia

Written Decision: March 6, 2008 (*Oral decision rendered February 12, 2008*)

Subject: *Civil Procedure Rules* 11.05 and 14.25 to set aside or strike pleadings; jurisdiction of court or arbitrator pursuant to collective agreement.

Summary: Patricia Frayn is a guidance counsellor with the Halifax Regional School Board (HRSB). She commenced an action against her former principal and vice-principal for mental suffering and mental distress resulting from alleged bullying and harassment by the principal and vice-principal. The defendants seek to set aside or strike the statement of claim.

Issue: Does the Supreme Court have jurisdiction to hear these claims? Are the claims within the exclusive jurisdiction of an arbitrator pursuant to the collective agreements?

Result: Dispute in its essential character arises out of the collective agreement. Statement of claim set aside.

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