

**SUPREME COURT OF NOVA SCOTIA**

Citation: Polycorp Properties Inc. v. Halifax (Regional Municipality),  
2010 NSSC 283

Date: 20100629  
Docket: Hfx. No. 327941  
Registry: Halifax

**Between:**

**Polycorp Properties Incorporated**

-and-

**Halifax Regional Municipality**

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**Judge:** The Honourable Justice Robert W. Wright

**Heard:** June 29, 2010 in Halifax, Nova Scotia

**Written**

**Decision:** July 22, 2010

**Subject:** Practice - converting mode of proceeding from Application in Chambers to Application in Court (Civil Procedure Rules 6.02 and 2.03).

**Summary:** The applicant commenced this proceeding as an Application in Chambers for declaratory relief concerning a restriction on development of its lands asserted by HRM. The question arose as to whether the proceeding could be converted from an Application in Chambers to an Application in Court in the absence of any express provision in the Civil Procedure Rules permitting that to be done.

**Result:** Civil Procedure Rule 2.03, under which a judge has the discretion to give directions for the conduct of a proceeding before the trial or hearing, is sufficient authority to order a conversion of a proceeding from an Application in Chambers to an Application in Court (and vice versa) having regard to the considerations set out in the rules pertaining to the choice of proceeding. This proceeding was accordingly converted to an Application in Court followed by the hearing of a Motion for Directions as required by Rule 5.07(2).

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THE COVER  
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