

SUPREME COURT OF NOVA SCOTIA

Citation: Global Paving Contractors Ltd. v. Cragg, 2010 NSSC 468

Date: 20101125

Docket: Hfx No. 334533

Registry: Halifax

Between:

Global Paving Contractors Ltd.

Plaintiff

v.

Robert Anthony Cragg

Defendant

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Judge: The Honourable Justice C. Richard Coughlan

Heard: November 25, 2010 (in Chambers), in Halifax, Nova Scotia

Decision: November 25, 2010 (Orally)

**Written Release
of Decision:** December 29, 2010

- Subject:** Builders' Lien - Application to transfer action to Small Claims Court
- Summary:** Action pursuant to *Builders' Lien Act* commenced. Defendant elected to have matter adjudicated in Small Claims Court. The plaintiff claimed in default of payment a declaration the defendant's interest in certain real property be sold and the proceeds be applied toward payment of the plaintiff's claim.
- Issue:** Does the Small Claims Court have jurisdiction to hear the plaintiff's claim?
- Result:** The proceeding is not to be transferred to the Small Claims Court. The *Builders' Lien Act* provides actions pursuant to the *Act* are to be tried in the Supreme Court, and the plaintiff's claim for a declaration for the recovery of land or an estate or interest therein is therefore outside the jurisdiction of the Small Claims Court.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***