

SUPREME COURT OF NOVA SCOTIA

Citation: Shane v. 3104854 Nova Scotia Ltd., 2010 NSSC 448

Date: 20101217

Docket: Hfx No. 315268

Registry: Halifax

Between:

Shirley Anne Shane

Plaintiff

v.

3104854 Nova Scotia Limited

Defendant

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Judge: The Honourable Justice C. Richard Coughlan

Heard: November 4, 2010 (in Chambers), in Halifax, Nova Scotia

Written Decision: December 17, 2010

Subject: Practice - Motion for Summary Judgment

Summary: Plaintiff slipped and fell on a sidewalk maintained by Municipality. The defendant owned a parking lot adjacent to the sidewalk. There was evidence if the right conditions existed snow can melt in the parking lot and flow on to the sidewalk. When the parking lot is icy salt is spread on it. Salt was applied on the day the plaintiff slipped.

Issue: Has the test for summary judgment been satisfied?

Result: Motion dismissed. Whether the ice on the sidewalk at the time Ms. Shane fell was from water the defendant allowed to accumulate on its property and run across the sidewalk, thereby creating a dangerous condition that it knew or ought to know could cause injury to pedestrians using the sidewalk, is a genuine issue of material fact requiring trial.

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