

SUPREME COURT OF NOVA SCOTIA

Citation: Beacon Securities Ltd. v. 2125395 Ontario Inc., 2011 NSSC 207

Date: 20110520

Docket: Hfx No. 344735

Registry: Halifax

Between:

Beacon Securities Limited

Applicant

and

2125395 Ontario Inc. and Redlend Enterprises Ltd.

Respondents

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: May 19, 2011

Subjects: Dissolution of Partnership, Stay pending arbitration.

Summary: Beacon and the respondents formed a division within Beacon. Their agreement contained an arbitration clause. The parties disagreed on responsibility for losses. Beacon applied for dissolution under the *Partnership Act*. The others moved for a stay pending arbitration of the issue about losses. Whether or not the agreement constituted a partnership would be an issue on both the arbitration and the application for dissolution.

Issues: Whether to grant stay.

Result: The arbitration clause did not cover termination remedies. Dissolution under the *Partnership Act*, or a similar remedy, was not available through arbitration. Whether to grant a stay depends more on overlapping remedies than overlapping issues of law or fact. Stay refused.

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