

SUPREME COURT OF NOVA SCOTIA

Citation: Pictou Landing First Nation v. Clark, 2011 NSSC 270

Date: 20110707

Docket: Pic No. 339884

SCP 307476

Registry: Pictou

Between:

Pictou Landing Indian Band

Appellant

v.

Samantha Anne Clark

Respondent

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Judge: The Honourable Justice C. Richard Coughlan

Heard: May 11, 2011, in Halifax, Nova Scotia

**Final Written
Submissions:** June 23 2011

Written Decision: July 7, 2011

Subject: Courts - Small Claims Court - Jurisdiction

Summary: Respondent commenced action in Small Claims Court against appellant for breach of fiduciary and trust obligations. An adjudicator of Small Claims Court found the Court had jurisdiction to hear matter as the claim was one of the tort of negligence.

Issue: Are breach of fiduciary duty or breach of trust torts?

Result: Breaches of fiduciary duty or trust are breaches of equitable duties, not torts. The claim is not within the jurisdiction of the Small Claims Court. The appeal is allowed.

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