

SUPREME COURT OF NOVA SCOTIA

Citation: *Certification Coating Specialists Inc. v. Halifax-Dartmouth Bridge Commission*, 2016 NSSC 250

Date: 20160922

Docket: HFX450768

Registry: Halifax

Between:

The Bowra Group Inc. as Receiver and Trustee in
Bankruptcy for Certified Coating Specialists Inc.

Plaintiff

v.

Halifax-Dartmouth Bridge Commission operating as
Halifax Harbour Bridges, Cherubini Metal Works Limited

Defendants

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Judge: The Honourable Justice Michael J. Wood

Heard: September 6, 2016, in Halifax, Nova Scotia

Written Decision: September 22, 2016

Subject: Builders' Liens – lienable property – public streets and highways

Summary: The plaintiff is the bankruptcy trustee of CSS Inc, a subcontractor on the “Big Lift” project involving the MacDonald bridge over Halifax harbour. Liens were filed against the bridge and other lands of the bridge commission. Application to vacate liens on basis that bridge is public street or highway and therefor exempt from the *Builders' Lien Act*.

Issues: Is the bridge exempt from provisions of *Builders' Lien Act*

because it is a public street or highway?

Result:

S. 3(1) of the *Act* exempts public streets and highways from the application of the legislation. Those terms are not defined and court agreed they should be interpreted based upon their normal usage. The nature of the bridge commission and the use of the roadway on the bridge both support the characterization of it as a public street as opposed to a private structure. S. 3(1) applies and the liens are vacated.

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