

SUPREME COURT OF NOVA SCOTIA

Citation: Cobalt Investments Ltd. v. Panko, 2012 NSSC 34

Date: 20120120

Docket: Hfx No. 346645

Registry: Halifax

Between:

Cobalt Investments Limited, a body corporate, incorporated under the laws of Nova Scotia and Halifax County Condominium Corporation No. 268

Applicants

v.

Adam Panko of 1974 Prince Arthur Street, Halifax, Nova Scotia

Respondent

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Judge: The Honourable Justice Michael J. Wood

Heard: January 16, 2012, in Halifax, Nova Scotia

Decision: January 20, 2012 (Orally)

**Release of
Written Decision:** January 23, 2012

Subject: Easements, Declaratory Relief, Injunctions

Summary: Adjoining landowners shared a common easement for access to parking. One alleged that the other was blocking the easement by parking of vehicles and other activities.

Issue: Should a declaration be granted with respect to the existence and usage of the easement?

Should an injunction be granted to prevent blocking of easement by Defendant?

Result: There was no dispute between the parties with respect to the existence of the easement and therefor a declaration was not required or appropriate.

The activities of the Defendant which had blocked the easement took place ten months ago and had not been repeated. Defendant stated he would respect easement in future. No evidence injunction was required and as a result application was dismissed.

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