

IN THE SUPREME COURT OF NOVA SCOTIA

**Citation:** Rankin v. Schoner, 2004 NSSC 97

**Date:** 20040430

**Docket:** 0333

**Registry:** Port Hawkesbury

**Between:**

Brenda Rankin

Applicant/Defendant

v.

Werner Schoner

Respondent/Plaintiff

**Addendum**

The text of the original decision has been corrected according to the attached Addendum (April 30, 2004)

**Judge:**

Before the Honourable Justice Simon J. MacDonald

**Heard:**

February 5, 2004, in Port Hawkesbury, Nova Scotia

**Counsel:**

W. Augustus Richardson, for the Applicant  
Hugh MacIsaac, for the Respondent

**MacDonald, J.:**

1. This matter involved an application for security for costs made by the Applicant/Defendant against the Respondent/Plaintiff. In an oral decision given after the hearing in the above matter on February 5, 2004 the Court granted the Applicant/Defendant's application with costs.
2. Part of the decision prevented the Respondent/ Plaintiff from proceeding any further in the action to a Date Assignment Conference or to trial until the security costs were paid.
3. Counsel have requested the Court to clarify it's position as to whether or not it was preventing the Applicant/Defendant from making an application at any time in the future while the security for costs remained unpaid to have the Plaintiff/Respondent's action dismissed for failure to post said security.
4. The Court has advised counsel for both parties and is confirming same by incorporating this addendum to it's decision that either party is at liberty at any time to make an application for failure of the other side to proceed in a proper manner. My ruling applies only to this application. In other words, if the Applicant/Defendant thinks it appropriate, it may make an application to strike the Respondent/Plaintiff's claim for ongoing delay after a failure on his part to post the

said security. Such an application would be determined by the Court hearing the application when and if said application is made.

J.