

SUPREME COURT OF NOVA SCOTIA
Citation: *Cave v. Bambury* , 2012 NSSC 129

Date:20120328
Docket: Hfx No. 280323
Registry: Halifax

Between:

Ralph Douglas Cave

Plaintiff

- and -

Jacqueline Bambury, Lance Trevor Sparks (aka Lance Trevor States)
Tammy MacDonald, Mark Kellock and Halifax Regional Municipality
and Attorney General of Canada (on behalf of the Royal Canadian Mounted Police)

Defendants

- and -

Jacqueline Bambury and Lance Trevor Sparks

Plaintiffs by Counterclaim

- and -

Ralph Douglas Cave

Defendant by Counterclaim

LIBRARY HEADING

Judge: The Honourable Justice N.M. Scaravelli

Heard: November 7, 8, 9, 10, 14, 15, 2011 and March 14-15, 2012, Halifax, Nova Scotia

Written Decision: March 28, 2012

Subject: False Arrest and Imprisonment / Negligent Investigation / Breach of *Charter* / Malicious Prosecution

Summary: Plaintiff commenced action against police officer and, vicariously, HRM as a result of three incidents of arrest and detention. Plaintiff claimed against defendant complainants for malicious prosecution. Complainants counterclaimed against the plaintiff for damages to their motor vehicles.

Result: Plaintiff's claims for negligent investigation and breach of *Charter* dismissed on HRM's motion for non-suit. Plaintiff's claim for false arrest dismissed as police had reasonable and probable grounds to make arrests. Plaintiff's claim for malicious prosecution dismissed as complainants did not initiate the prosecution and, in any event, had reasonable and probable cause. Complainants claim against the plaintiff for damage to their vehicles allowed in part.

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