

SUPREME COURT OF NOVA SCOTIA

Citation: Saint Mary's University v. Atlantic University Sport Association,
2017 NSSC 294

Date: 2017 11 12

Docket: *Hfx No. 470240*

Registry: Halifax

Between:

Saint Mary's University

Applicant

v.

Atlantic University Sport Association

Respondent

and

Acadia University

Intervener

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Judge: The Honourable Associate Chief Justice Deborah K. Smith

Heard: November 11th and 12th, 2017, in Halifax, Nova Scotia

Oral

Decision: November 12th, 2017

Written November 20th, 2017

Decision:

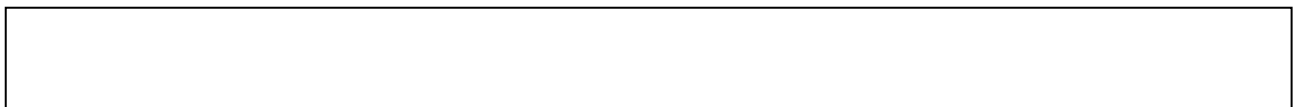
Subject: Emergency interim injunction motion due to the cancellation of a university level championship football game.

Summary: Acadia and Saint Mary's Universities had each earned the right to participate in a championship football game known as the Loney Bowl. The winner of that game would advance to the national semi-

finals. An issue arose as to whether Saint Mary's was using an ineligible player. The Atlantic University Sport Association (which governs university sport in Atlantic Canada) cancelled the game two days prior to its scheduled date. As a result, Acadia automatically advanced to the semi-finals. Saint Mary's applied to the court for, *inter alia*, an emergency interim injunction requiring the Atlantic University Sport Association (AUS) to sanction the game and further requiring that AUS direct that Acadia play Saint Mary's University no later than November 14th, 2017. Further, Saint Mary's sought an order providing that, should Acadia be unwilling or unable to host the said game, Saint Mary's would be offered the opportunity to do so.

Issues: Was it appropriate to deal with this matter on an emergency basis and to abridge the timelines under the Nova Scotia *Civil Procedure Rules*? Does the court have the jurisdiction to judicially review a decision of the AUS? If so, was this an appropriate case for injunctive relief to be granted?

Result: The court held that it was proper to deal with this case on an emergency basis and to abridge the timelines under the Rules. The court found that it had jurisdiction to deal with the matter. The court conducted the analysis set out in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] S.C.J. No. 17 and concluded that it was appropriate to grant interim injunctive relief.



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