

SUPREME COURT OF NOVA SCOTIA

Citation: *Northeast Equipment Ltd. v. 3238633 Nova Scotia Ltd*, 2016 NSSC 346

Date: 20160912

Docket: Hfx No. 437820

Registry: Halifax

Between:

Northeast Equipment Limited

Applicant

v.

3238633 Nova Scotia Limited (formerly known as “G.A. Turner Plumbing & Heating Limited”),
1109082 Nova Scotia Limited (formerly known as “Greg Turner Plumbing and Heating
Limited”), Gregory A. Turner, Bernice Turner, Brenda Turner Schroder, and Leanne Turner
Wells

Respondents

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Judge: The Honourable Justice Patrick J. Murray

Written Decision: September 12, 2016

Subject: Motion to Dismiss

Summary: The Respondents filed a motion to have Northeast’s Application in Court dismissed on the sole ground of want of prosecution.

Result: Twice hearing dates were set and directions given. On each occasion there was a default by the Applicant of the directions given. Court found the inaction of the Applicant amounted to an abuse of the Court’s process. As a result, the Application filed by Northeast Equipment Ltd. was dismissed with costs.

Cases/Rules cited:

Milburn Growth Works Canadian Fund Ltd., 2011 NSSC 346; *Giffin v. Soontiens*, 2012 NSSC 354; *Toronto City v. Canadian Union of Public Employees*, 2003 SCC 63; *Ocean v. Economical Mutual Insurance Company*, 2013 NSSC 14; *Bridges v. Dominion Canada*, 2012 NSSC 169. Civil Procedure Rules *Rule 39.06(2); 1.01; 13.04; 5.15; 5.19; 5.21; 88.02; 23.11; 13.01(1); 23.12(1); 39.08; 39.08(2)(b); 22.15(2)(c); 5.11; 5.13; 5; 88; 6.02(5)(a); 5.13(2)(n); 88.01(2); 88.02; and 5.21.*

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