

SUPREME COURT OF NOVA SCOTIA

Citation: *Canadian Lebanese Chamber of Commerce and Industry N.S. Society v. O'Leary*, 2018 NSSC 46

Date: 20180307

Docket: Hfx No. 466661

Registry: Halifax

Between:

The Canadian Lebanese Chamber of
Commerce and Industry N.S. Society

Plaintiff

v.

Terrence Thomas Kevin O'Leary

Defendant

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Judge: The Honourable Justice Mona M. Lynch

Heard: December 7, 2017, in Halifax, Nova Scotia

**Written
Submissions by
Plaintiff:** January 31, 2018

**Written
Submissions by
Defendant** February 20, 2018

Written Decision: March 7, 2018

Subject: Judicial Notice; Costs on Chambers Motion

Summary: The defendant applied to dismiss an action for want of jurisdiction or stay the action in favour of a more appropriate forum. The motion was dismissed after a hearing of one half day. The plaintiff asks the court to take judicial notice of certain statements of fact and seeks costs in the amount of \$12,000. The defendant suggests costs of \$1,000, and asks that judicial notice not be taken.

Issues:

- (1) Should judicial notice be taken of the statements put forward by the plaintiff?
- (2) What is the appropriate costs award?

Result: Judicial notice is not taken as the facts were not so notorious or generally accepted as to not be the subject of debate among reasonable persons and were not readily accessible from a source of indisputable accuracy. Costs in the amount of \$3,500 inclusive of disbursements awarded to be payable forthwith.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***