

**SUPREME COURT OF NOVA SCOTIA**  
**Citation:** Boudreau v. Boudreau, 2013 NSSC 403

Date: 20130906  
Docket: SN No. 109818  
Registry: Sydney, NS

Between:

Ronald Joseph Wayne Boudreau and Mary C. Boudreau  
Plaintiffs

v.

Brian Boudreau, Robin Boudreau, Kevin Boudreau and Ronald Boudreau  
Defendants

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**Judge:** The Honourable Justice Patrick J. Murray

**Heard:** March 18 and 19, 2013 in Sydney, Nova Scotia

**Final Written Submissions:** May 10, 2013

**Written Decision:** September 6, 2013

**Subject:** Real property, Right of Way dispute. Use in common, extent of easement.

**Summary:** Two brothers had been engaged in a long standing dispute over the use of a right of way. The right of way was to access both commercial and residential properties. An interim order was earlier made that the width of the right of way was 12 feet. The Plaintiff applied to extend the width to 28 feet.

**Issue:** 1. Jurisdiction to vary the right of way, if any.

2. Assuming jurisdiction existed, should the right of way be varied.

**Result:**

The Court assumed jurisdiction, and ruled that the width of the right of way should be extended from 12 to 18 feet, to allow for its proper use.

*Civil Procedure Rules 62.26(2); 62.29(1) (now Rule 90.53(1))* considered.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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