

SUPREME COURT OF NOVA SCOTIA

Citation: *Pettipas v. Bell Aliant Regional Communications Inc.*, 2014 NSSC 25

Date: 20140127

Docket: Ant No. 369959

Registry: Antigonish

Between:

Marshall Pettipas and Edna Pettipas

Plaintiffs

v.

Bell Aliant Regional Communications Inc.

Defendant

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Judge: The Honourable Justice Joshua M. Arnold

Heard: December 12, 2013 in Halifax, Nova Scotia

Subject: Summary Judgment Application under CPR 13.04, cellular telephone tower emissions, ElectroHyperSensitivity, material fact in issue.

Summary: The Plaintiffs allege breach of contract and damages in relation to a cellular telephone tower being built on their land under what they say was false pretenses. The Defendant, Bell Aliant, brings a motion for summary judgment.

Issues:

- (1) Was there a material fact in issue?
- (2) Can the plaintiffs prove causation?

Result: Motion for summary judgment dismissed.

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