

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Malcolm v. Shubenacadie Tidal Bore Rafting Park Ltd., 2014 NSSC 217

**Date:** 20140709

**Docket:** Hfx No. 415787

**Registry:** Halifax

**Between:**

Connor Joseph Malcolm by his Litigation  
Guardian Angela Malcolm

Plaintiff

v.

Shubenacadie Tidal Bore Rafting Park Limited

Respondent

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**Judge:** The Honourable Justice Michael J. Wood

**Heard:** March 27, 2014, in Halifax, Nova Scotia

**Written Decision:** July 9, 2014

**Subject:** Limitation of Actions

- Summary:** The infant plaintiff was injured on a rafting excursion on the Shubenacadie River and brought this action against the defendant operator. The defendant alleges that the applicable limitation period is under the *Federal Marine Liability Act* and the action was started out of time. Defendant brought motion for summary judgment.
- Issue:** What is the applicable limitation period and had it expired before commencement of the action?
- Result:** The *Maritime Liability Act* governs the claim and the applicable limitation period had expired. There is no discretion to suspend or extend the period even though the plaintiff is an infant. Summary judgment granted to the defendant.

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