

CASE NO.

VOL. NO.

Cite as: 2475813 Nova Scotia Ltd. v. Green, 2000 NSSC 101

2475813 NOVA SCOTIA LIMITED , a body corporate  
- and -  
BARRIE M. GREEN and BARRIE M. GREEN INCORPORATED,  
a body corporate and BARRIE GREEN FAMILY TRUST

JUSTICE WALTER R.E. GOODFELLOW

TRURO, NOVA SCOTIA

S.T. 08739

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**HEARD:** at Truro, Nova Scotia on August 15, 2000

**DECISION:** August 21, 2000

**SUBJECT:** Conflict of interest. Application to strike solicitors.

**SUMMARY:** Plaintiff wholly owned and operated by Bruce R. Brett who also owns other companies including Granbury Developments Limited. Granbury Place opened as Halifax County Condominium Corporation No. 151 and in the early 90's developed a roof problem. In previous application to strike Blair Mitchell I concluded no solicitor and client relationship where Mr. Mitchell instructed by the Board of No. 151. A. Douglas Tupper, Q.C. of Patterson Palmer Hunt Murphy acted for No. 151 for a period in 1997.

**Held:** As previously determined no solicitor and client relationship by Board 's solicitor with individual unit holders.

Possibility of solicitors becoming witnesses not sufficiently established and in any event a matter for trial Justice. Request to direct this action be joined with others in relation to Granbury Place denied. This action relates to whether or not mortgage placed January 12, 2000 was a sham. Defendant had utilized associate of Patterson Palmer Hunt Murphy in 1993 for a residential tenancy application by Brett against him. Concluded no breach of confidence and issue of residential tenancy is neither proximate in time or substance to issues in this law suit and no reasonable person in circumstances would perceive conflict. **Miller v. Dartmouth Dodge Chrysler (1991) Ltd.**, [1991] N.S.J. No. 227; **Gallagher v. Lumsden and Wood et al.** (1995), 142 N.S.R. (2d) 127 (N.S.C.A.); **Widrig v. Cox Downie** (1992), 114 N.S.R. (2d) 320 (T.D.)

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