

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *Al-Rifai v. Peart*, 2006 NSSC 78

Date: 20060314

Docket: SH 235153

Registry: Halifax

Between:

Forieh Al-Rifai

Applicant

v.

Edith Peart and Kevin Bernier

Respondents

LIBRARY HEADING

Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: March 9, 2006, in Halifax, Nova Scotia (Chambers)

Subject: Leave for Contempt, CPR 55

Summary: *Ex Parte* application for leave based upon:

1. Request by plaintiff's solicitor for personal address of defendant, Bernier. Apparently such request was also made by a Chamber's judge on a previous occasion.
2. Plaintiff has two outstanding orders for costs against defendant, Bernier

Issue: Should leave for contempt be issued in this situation?

Result: Bernier has a solicitor on record. It would be a rare circumstance where the plaintiff, absent a specific order, would be required to also provide a personal address. Failure to pay costs order would rarely if ever form the foundation for an application for leave for a contempt order. In the normal course there is no conduct upon a judgment debtor that could be considered contemptible action invariably it is founded on the failure to comply with an order of the court or misconduct warranting the court's censure.

Application dismissed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***