

IN THE SUPREME COURT OF NOVA SCOTIA
Cite as Clive Estate v. Rizzi, 2002 NSSC 34

BETWEEN

ESTATE OF JOSEPH WALTER CLIVE

APPELLANT

- and -

LOIS RIZZI

RESPONDENT

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HEARD: Before the Honourable Justice Charles E. Haliburton
at Yarmouth, Nova Scotia, on January 17, 2002

DECISION: The 4th day of February, A.D. 2002

SUBJECT: Small Claims Court Procedural Irregularities; Interpretation of
Statute Section 21 (1)(a), 21 (2)

SUMMARY: Date for hearing was assigned to this case when the claim was
filed. The clerk advanced the date when the defence was filed.
There is no authority in the statute for a change of date by the
clerk once assigned by the clerk.

RESULT: The hearing on the new date was a nullity.

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