

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Silver Sands Realty Ltd. v. Nova Scotia (Attorney General), 2007 NSSC

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Date: 20070320

Docket: S.H. No. 261348

Registry: Halifax

Between: Silver Sands Realty Ltd., a body corporate

Plaintiff

v.

The Attorney General for the Province of Nova Scotia, The Registrar General of
Land Titles and Service Nova Scotia and Municipal Relations

Defendants

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: March 13, 2007, in Halifax (Chambers), Nova Scotia

Written Decision: March 20, 2007

Subject: Discovery - Crown Immunity

Summary: In 2000 Silver Sands Realty acquired property and claim that they own the property under water Cow Bay Lake. Initially the matter began by an application and the Crown successfully maintained that the matter should be dealt with as an action. Notice of trial filed. Crown filed the “record” and maintains that the land under water is a “water course” under provincial legislation.

Issue: Should the Notice of Examination directed to the Registrar General of Land Titles be struck?

March 20, 2007

Result:

Concluded change from application to record did not change the law. Even if the Registrar took into account debates in the Provincial Legislature and possibly representations from an M.L.A, this conduct would not be indicative of any lack of natural justice, excessive discretionary authority or lack of jurisdiction. The Registrar had issued eleven stop orders precluding the further dealings with the land until the ultimate issue determined. No special circumstances warranting interference with the Registrar's exercise of jurisdiction and Registrar's decision making position has Crown immunity. Notice of Examination struck.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***