

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Yarmouth (Town) v. Digby (Town), 2002 NSSC 241

**Date:** 20021018

**Docket:** S.Y. 6413

**Registry:** Yarmouth

**Between:**

Town of Yarmouth, an incorporated Town

Plaintiff

v.

Town of Digby, Municipality of the District of Yarmouth,  
Municipality of the District of Claire, Municipality of the District of Argyle,  
Municipality of the District of Barrington,  
Municipality of the District of Digby and Town of Clark's  
Harbour, carrying on business under the firm name and style of  
"Waste Check"

Defendants

Justice David W. Gruchy Yarmouth, NS

SY. No. 6413

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**Judge:** The Honourable Justice David W. Gruchy

**Heard:** October 18<sup>th</sup>, 2002

**Written Decision:** November 1<sup>st</sup>, 2002

**Subject:** Limitation of Actions

**Summary:** Defendant pleaded limitation - 18 months delay in commencing action.  
Parties had negotiated during the 18 month period.

**Issue:** Should limitation defence be struck pursuant to s.s. 3(2) of Limitation of  
Actions Act?

**Result:** Applied criteria of s.s. 3(2) and followed (esp.) MacCulloch v. McInnes,  
Cooper and Robertson. Balance strongly favoured striking limitation  
defence.

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