

IN THE SUPREME COURT OF NOVA SCOTIA

A.W. Leil Cranes & Equipment (1986) Limited
and G. W. Holmes Trucking 1990 Limited

-and-

Pipeline Transport Limited and Nisku
Enterprises Transport Limited

Associate Chief Justice Michael MacDonald

S.H. 160211

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[Cite as: A.W. Leil Cranes & Equipment (1986) Ltd. v Pipeline Transport Ltd., 2002 NSSC 230]

HEARD: before the Honourable Associate Chief Justice Michael MacDonald in Halifax,
Nova Scotia on July 8, 9, 10, 11 & 12, 2002

WRITTEN RELEASE

OF DECISION: October 18, 2002

SUBJECT: Civil Law, Contracts, Breach of Contract;
Torts, Negligent Mis-statement

SUMMARY: Two business interests, one based in Nova Scotia, the other in Alberta, joined forces to win a non-union bid to stockpile pipe for the Sable Offshore Energy Project. Five weeks into the venture, disgruntled union workers picketed the project, resulting in a costly work stoppage. In this trial, I have been asked to decide which of the two partners ought to bear the resulting losses. The answer to this question lies in the largely unrecorded discussions leading to this joint venture and ultimate successful bid.

Essentially the Defendants assert that the Plaintiffs guaranteed a continuous labour supply even in the face of Union protests. Following the work stoppage therefore they withheld payments (leading to the Plaintiffs' main action) and then counterclaimed alleging both breach of contract and negligent mis-statement.

ISSUE: What, if any, representations did the Plaintiffs make regarding the supply of labour for this project?

RESULTS: The Plaintiffs made no actionable [mis] representations. The Plaintiffs' claim was therefore allowed and the Defendants' counterclaim was dismissed.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS
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