

**IN THE SUPREME COURT OF NOVA SCOTIA**

Citation: Edwards v. McNeil, 2002 NSSC 234

Date: 20021021

Docket: S.H. No. 184030

Registry: Halifax

Between:

David Edwards

Plaintiff

v.

J. Duncan McNeil, David A. Miller,  
Audrey Youden and Robert Youden

Defendants

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Judge: The Honourable Justice Gerald R.P. Moir

Heard: October 1, 2002 in Halifax

Written Decision: October 21, 2002

Subject: *Vendors and Purchasers Act* applications

Summary: The plaintiff was a party to an agreement to purchase shares in a company owning a water lot. The plaintiff objected to title because the defendants appeared to have easements over the right-of-way and some were constructing a wharf. Plaintiff applied for various relief by way of originating notice (application). The named defendants were the apparent easement holders.

Issue: Whether application should be set aside.

Result: The *Vendors and Purchasers Act* does not authorize applications against strangers to the agreement of purchase and sale. Further, the proceeding raised questions of fact, the affidavit did not indicate to the defendants the case they had to meet and the proceeding was an abuse of process.

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