

SUPREME COURT OF NOVA SCOTIA

Citation: *Tapics v. Dalhousie University*, 2014 NSSC 379

Date: 20141021

Docket: Halifax No. 425795

Registry: Halifax

Between:

Tara Tapics

Applicant

v.

Dalhousie University, Dr. Christopher Taggart, and Dr. Marlon Lewis

Respondents

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Judge: The Honourable Justice Arthur W.D. Pickup

Heard: September 4, 2014 in Halifax, Nova Scotia

**Final Written
Submissions:**

August 1, 2014, Respondents' Brief

August 15, 2014, Applicant's Brief

August 22, 2014, Respondents' Reply Brief

Subject: Jurisdiction, abuse of process and failure to plead a reasonable cause of action.

Summary: The applicant, Tara Tapics, was enrolled in a Ph.D. program at Dalhousie University. Her Ph.D. supervisor ceased to act for her in January 2013, citing that the working relationship between he and Ms. Tapics had broken down. Dalhousie University was unable to find a suitable advisor for Ms. Tapics and she appealed to the University's Faculty of Graduate Studies alleging procedural unfairness, irregularity in procedure and a failure to provide

necessary facilities and supervision.

The Faculty of Graduate Studies rendered a decision, and, being unsatisfied, Ms. Tapics appealed to the Senate Appeals Committee. The Senate Appeals Committee subsequently issued a decision on her complaint.

Ms. Tapics then filed an application against the respondents, alleging breach of contract and negligence.

The respondents did not file a notice of contest, but brought a motion seeking the dismissal of the proceeding on the following basis:

- a) That this court has no jurisdiction to adjudicate the subject of this proceeding.
- b) That the proceeding amounts to an abuse of process as the issues have already been determined.
- c) Ms. Tapics failed to plead a reasonable cause of action against Drs. Taggart and Lewis.

Issues: Does this proceeding amount to an abuse of process as alleged by the respondents?

Did Ms. Tapics fail to plead a reasonable cause of action against Drs. Taggart and Lewis?

Result: Application dismissed as an abuse of process, and failure by Ms. Tapics to plead a reasonable cause of action against Drs. Taggart and Lewis in their personal capacity.

A claim of slander, which the respondents acknowledged was within the jurisdiction of this court, was dismissed for failure to plead a reasonable cause of action.

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