

SMALL CLAIMS COURT OF NOVA SCOTIA

Citation: *Sheldon v. Gougeon*, 2025 NSSM 49

Date: 20250715

Docket: 541190

Registry: Yarmouth

Between:

David Paul Sheldon

v.

Cst. Mario Gougeon, RCMP

Adjudicator:	Sarah A. Shiels
Heard:	June 18, 2025
Decision:	July 15, 2025
Counsel:	David Sheldon, self-represented Jan Jensen, for the Defendant

By the Court:

Introduction

[1] The claimant seeks compensation in the amount of \$25,000 for damage allegedly caused by an RCMP officer who conducted a wellness check at his residence while he was away on vacation. The claimant alleges that his home was left open to the elements.

[2] The defendant asks the Court to dismiss the claim on the basis that the Small Claims Court lacks jurisdiction to hear a claim made against the Crown in right of Canada.

[3] The parties made submissions with respect to the Court's jurisdiction on June 18, 2025.

Law

[4] The defendant cited sections 3, 21, and 36 of the federal *Crown Liability and Proceedings Act*, RSC 1985, c. C-50 and section 1 of the federal *Interpretation Act*, RSC 1985, c. I-21 along with jurisprudence from the Supreme Court of Canada (*Canada (Attorney General) v. Thouin*, 2017 SCC 46 [*Thouin*]) and from courts in British Columbia (*Der v. Giles*, [2003] BCJ No 938, *Emond v. Mitchell*,

[2008] BCJ No 141, *Pomfret v. Van Vugt*, [2014] BCJ No 1969) and New Brunswick (*Fazakas v Morgan*, Claim No MSC-258-2017, *Rouselle v Aubé*, Claim No. NSC-28-2016).

[5] The Court also considered the *Small Claims Court Act*, RSNS 1989, c 430, the *Small Claims Act*, RSBC 1996, c 430 and the following provisions of the provincial *Proceedings against the Crown Act*, RSNS 1989, c 360 and *Interpretation Act*, RSNS 1989, c 235:

Proceedings against the Crown Act, RSNS 1989, c 360

Supreme or county court

10 Nothing in this Act authorizes proceedings against the Crown except in the Supreme Court or a county court. R.S., c. 360, s. 10.

Interpretation Act, RSNS 1989, c 235

Binding of Crown

14 No enactment is binding on His Majesty or affects His Majesty or His Majesty's rights or prerogatives in any manner unless it is expressly stated therein that His Majesty is bound thereby. R.S., c. 235, s. 14.

Analysis

[6] The Small Claims Court in Nova Scotia is a statutory court. It is distinct from the Nova Scotia Provincial Court. Cases are heard by adjudicators, not judges. In light of the differences between the Nova Scotia *Small Claims Court*

Act and the British Columbia *Small Claims Act*, it is not apparent that the British Columbia case law authorities apply to this matter.

[7] There is no indication from the pleadings that Cst. Gougeon was acting outside the scope of his duties as a police officer at the time of the alleged incident involving Mr. Sheldon's property.

[8] As determined in *Thouin* at paragraph 1, "clear and unequivocal language is required to override Crown immunity". The Court is not aware of any such language expanding the jurisdiction of the Small Claims Court of Nova Scotia to consider claims against police officers acting in the course of their duties. Accordingly, based on the authorities cited above, this Court does not have the jurisdiction to hear this case.

Conclusion

[9] This case is hereby dismissed due to lack of jurisdiction.

Sarah A. Shiels, Small Claims Court Adjudicator