

NOVA SCOTIA COURT OF APPEAL
Citation: *Beard v. Simpson*, 2024 NSCA 61

Date: 20240624
Docket: CA 531181
Registry: Halifax

Between:

Thomas Bernard Beard

Appellant

v.

Michelle Joanne Simpson

Respondent

Judge: Farrar J.A.

Motion Heard: June 20, 2024, in Halifax, Nova Scotia in Chambers

Held: Motion dismissed

Counsel: Matt Conrad, for the appellant
Michelle Axworthy, for the respondent

Docket: CA 531181
Registry: Halifax

NOVA SCOTIA COURT OF APPEAL

Between:

Thomas Bernard Beard

Appellant

v.

Michelle Joanne Simpson

Respondent

ORDER

BEFORE Justice David P. S. Farrar in Chambers

UPON the appellant Thomas Bernard Beard filing a Notice of Motion to extend the time for filing a Notice of Appeal from the oral decision of Justice Samuel Moreau rendered on March 24, 2023 and his Order for costs issued August 29, 2023;

AND UPON HEARING Matt Conrad on behalf of the appellant and Michelle Axworthy on behalf of the respondent;

AND UPON READING the materials on file herein;

AND UPON NOT BEING SATISFIED it is in the interests of justice to extend the time for filing of an appeal and, in particular, that:

1. Mr. Beard has not demonstrated he had a *bona fide* intention to appeal within the allowed timeframe;
2. Mr. Beard's explanation for not filing his appeal within the time period is not credible. The deadline for Mr. Beard to appeal the oral decision of Justice Moreau expired in May 2023. The time period to file his appeal of the costs order expired in September 2023. The motion to extend the time to appeal the decision and costs order was not made until nine months and five months later respectively. There is no reasonable explanation given for why it took so long to file the motion; and

3. The proposed grounds of appeal do not have sufficient merit to justify extending the time to appeal.

NOW UPON MOTION

IT IS HEREBY ORDERED THAT the motion to extend the time to file a Notice of Appeal is dismissed with costs to the respondent in the amount of \$1,000.00, inclusive of disbursements.

ISSUED at Halifax, Nova Scotia, this 24th day of June, 2024.

Deputy Registrar