

NOVA SCOTIA COURT OF APPEAL

Citation: *L&B Electric Ltd. v. Selig*, 2006 NSCA 130

Date: 20061207

Docket: 266352

Registry: Halifax

Between:

L & B Electric Limited, a body corporate,
and Larry B. Oickle

Appellants

v.

Carolyn Marie Selig, James Carroll Selig, David
Dawson Corkum, George Maurice Fancy, Michael
Lindsay Hull, Norman Francis Myra, Gerald Ivan
Seamone and Randolph Willis Tanner

Respondents

- and -

L&B Electric Limited, a body corporate and
Ross M. Bunnell and Rosemary Fraser

Respondents

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: November 17, 2006

Subject: Intervention; **Civil Procedure Rule 8.01**

Summary: The minority shareholders were granted leave to intervene in a complex multi-party dispute between the principal shareholders of a closely held company. The intervention was supported by one of the

majority shareholders and opposed by the other who now appeals.

Issues: Is a proposed intervenor who has a direct interest in the outcome of the litigation required to demonstrate that he/she brings a different perspective to the litigation from that of either party?

Result: Following the liberal interpretation of **Rule 8.01**, where the applicant has a direct interest in the outcome of the litigation, he need not bring a unique perspective to the litigation as a condition of being granted leave to intervene. The judge retains a discretion to refuse leave if the proposed intervention would unduly delay the proceedings or prejudice adjudication of the rights of the parties to the litigation. Neither the court rules addressing intervention nor the application of those rules is uniform throughout Canada. Where the applicant has no direct but some demonstrable interest in the litigation, a variety of factors are considered as relevant to leave, including the governing rule. The inquiry is a contextual one. Appeal dismissed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.