

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: E.M.G. v. G.R.W. 2007 NSSC 356

Date: 20071219

Docket: S.H. 287917

Registry: Halifax, NS

Between:

E.M.G.

Respondent/Applicant

v.

G.R.W.

Applicant/Respondent

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Judge: The Honourable Associate Chief Justice Deborah K. Smith

Heard: November 27th, 2007, December 3rd, 4th, 5th, 2007, in Halifax, Nova Scotia

Oral Decision: December 6th, 2007

Written Decision: December 19th, 2007

Subject: **Domestic Violence Intervention Act**

Summary: Application for a review of an Emergency Protection Order issued pursuant to the **Domestic Violence Intervention Act**.

Issue: Should an Emergency Protection Order have been granted in the circumstances of this case?

Result: The **Domestic Violence Intervention Act** is an extraordinary piece of legislation in that it allows a Justice of the Peace to grant significant remedies to an Applicant without any notice to, evidence from or representations from the Respondent. The legislation is designed to deal with urgent situations which require immediate relief in order to protect against domestic violence. The fact that domestic violence has occurred is not, in itself, sufficient reason to grant an Emergency Protection Order.

In order to grant such an Order, the Justice of the Peace must be satisfied that domestic violence has occurred *and* that the Order should be made forthwith.

The facts of this case did not support the granting of an Emergency Protection Order. After considering the totality of the evidence, the Court was not satisfied that the facts that existed justified an emergency intervention. Accordingly, the Court ordered the termination of the Emergency Protection Order.

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