

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Brooklyn Power Corporation v. Nova Scotia Power Incorporated, 2007  
NSSC 374

**Date:** 20071224  
**Docket:** SH 289589  
**Registry:** Halifax

**Between:** Brooklyn Power Corporation  
Applicant  
v.  
Nova Scotia Power Incorporated  
Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Glen G. McDougall

**Heard:** December 20, 2007, Halifax, Nova Scotia

**Written Decision:** December 28, 2007

**Subject:** Application to appoint an arbitrator pursuant to section 12(1) of the *Commercial Arbitration Act*, S.N.S. 1999, c. 5.

**Summary:** The parties to an agreement which contained a provision requiring them to resolve disputes through arbitration could not agree on who the arbitrator should be. Relying on section 12 of the *Commercial Arbitration Act*, S.N.S. 1999, c. 5, as amended, the parties asked the Court to choose one of the four persons nominated to act as the sole arbitrator under the agreement.

**Issue:** Who, if any, of the four individuals nominated by the parties to act as a sole arbitrator had the requisite qualifications and attributes of independence and impartiality to be appointed by the Court?

**Result:** An arbitrator who was independent of the parties and impartial as between the parties and whose appointment would not give rise to an apprehension of bias was chosen from amongst the four persons nominated by the two parties to the application.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***