

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Membertou Band as represented by the Membertou Band Council and
Mary Belle Johnson, 2003NSSC225

Date: 20031112

Docket: 206275

Registry: Sydney

Between:

Membertou Band as represented by the
Membertou Band Council

Plaintiff

v.

Mary Belle Johnson

Defendant

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Judge: The Honourable Justice Frank C. Edwards

Heard: October 20, 2003 in Sydney

Written Decision: November 12, 2003

Subject: Interim Injunctions

Facts: The Plaintiff Membertou Band had brought an action in trespass against the occupier of a house on the Reserve. The Band sought an interim injunction to force the occupier to vacate. The Band's main argument was that its authority to administer its housing program would be irreparably harmed if an interim injunction were not granted.

Result: The application was dismissed.

Reason: The irreparable harm argument was rejected and the balance of convenience favored the maintenance of the status quo.

Note: Fact specific - no precedent value.

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