

SUPREME COURT OF NOVA SCOTIA

Citation: *Symington v. Halifax (Regional Municipality)*, 2011 NSSC 474

Date: 20111222

Docket: Hfx No. 214598

Registry: Halifax

Between:

James Symington

Plaintiff/Respondent

v.

Halifax Regional Municipality and Halifax Regional Police Service

Defendants/Applicants

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Judge: The Honourable Justice M. Heather Robertson

Heard: October 12 and 13, 2010 and January 10 and 11, 2011, in Halifax, Nova Scotia

Final Written Submissions: May 4 and May 11, 2011

Written Decision: December 22, 2011

Subject: Application for an order pursuant to *Civil Procedure Rules* 88, 13.03 and 13.04 striking out certain parts of the claim filed by the plaintiff and an order for summary judgment, as the plaintiff's pleadings disclose no cause of action.

Summary: In a second amended statement of claim, the plaintiff pursued an action for malicious prosecution against the defendants/applicants and a malicious procurement of search warrant by a member of the Halifax Regional Police.

Issue: The adequacy of the pleadings to meet the threshold test for malicious prosecution and the duty to show an issue for trial.

Result: Applicants' motion granted. There is no genuine issue for trial. Plaintiff's pleadings are struck.

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