

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Shand v. Goreham, 2004 NSSC 222

Date: 20040928
Docket: SY225234
Registry: Yarmouth

Between:

**Danny Shand, D. Shand Fisheries Limited, Ricky Smith
and Hannah & Samara Fisheries Limited**

Applicants

v.

Dominic Goreham

Respondent

v.

D.E. Sons Fisheries Limited

Intervenor

LIBRARY HEADING

Judge: The Honourable Justice Allan P. Boudreau

Heard: September 28, 2004, in Comeauville, Nova Scotia

Oral Decision: September 28, 2004

Subject: Mandatory Interim Injunctions - Fishing License Trust Agreements

Summary: D. Shand Fisheries Limited, I'll refer to as Shand, and Hannah and Samara Fisheries Limited, I'll refer to as Hannah, are the beneficial owners of a district 34 lobster license which was leased to D.E. & Sons Fisheries Limited, which I'll refer to as D.E. & Sons, for a period of three years with Dominic Goreham being the present trustee license holder. Dominic Goreham was fishing for D.E. & Sons last year. The original trust and royalty agreement which was with Dwayne Goreham had a term of three years which expired May 31, 2004. The substitute trust agreement with Dominic Goreham did not extend the lease arrangements with D.E. & Sons and a new royalty agreement was not signed by anyone.

I find that the new trust agreement with Dominic Goreham was simply or just to substitute Dominic for Dwayne Goreham in the original agreements.

Shand and Hannah are now requesting that Dominic Goreham sign the license over to a new nominee of their choosing. D.E. & Sons has intervened in these proceedings, claiming to have a continued beneficial interest in the license, alleging that D.E. & Sons and Shand and Hannah made a verbal agreement to continue leasing the license to D.E. & Sons for an additional year.

Issue: Criteria for Injunctions - Alleged verbal agreement extending trust agreement.

Result: Mandatory Injunction granted - Verbal agreement not established.

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