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NOVA SCOTIA ANNOTATED RULES OF PRACTICE

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This publication provides a range of materials that will assist a busy Nova Scotia litigator: Annotated *Judicature Act*, Annotated *Rules of Practice (2009)*, Forms, Tariffs, Annotated Related Legislation, Issues in Focus, Rule Cross References Table, Time Limitation Table, Practice Memoranda and Additional Reference Material. It has also retained the Annotated *Nova Scotia Civil Procedure Rules (1972)* as an historical reference.

What's New in this Update

This release includes updates to Appendix B (Related Legislation), Appendix IF (Issues in Focus) and Appendix WP (Words and Phrases).

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Highlights

- **Related Legislation — XI. Small Claims Court Act — Annotations**— In this case, the plaintiff filed a bound volume of documents before the deadline. She appeared by video at the hearing. The defendant did not attend the hearing. The plaintiff was not given the opportunity to present her case by giving evidence at the hearing. The Adjudicator gave an oral decision, dismissing her claim. She was denied the right to be heard. The Adjudicator failed to follow the requirements of natural justice. The plaintiff wanted a proper Small Claims Court hearing, where she could testify, discuss the documents she relied on, and explain why she believed the defendant breached the contract between them and was negligent in conducting the home inspection. The plaintiff was entitled to what she was asking for. Her appeal was allowed, the decision of the Adjudicator set aside, and a new hearing was to take place before a different adjudicator of the Small Claims Court: *Warren-Mayer v. Pay*, 2025 CarswellNS 50, 2025 NSSC 21 (N.S. S.C.).
- **Appendix IF — updated memo — § IF:4** What test will be applied by the courts with respect to production of metadata related to digital images?
- **Appendix IF — updated memo — § IF:5** What is the admissibility of expert evidence from an auditor or accountant?
- **Appendix WP — new term — § WP:401.50 RESTITUTION IN INTEGRUM** — Ontario — . . . that [applicant] be, to the extent possible, put in as good (but not better) a position as it would have occupied but for the unjust enrichment . . . : *Foodies Curry & Shawarma Inc. v. Royal Paan Leasing Ltd.*, 2025 CarswellOnt 375.

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