

Supreme Court of Nova Scotia
Foreclosure Committee
 COVID-19 Recommendations

The court is now able to schedule foreclosure sales, but with restrictions to comply with the COVID-19 orders under s.32 of the *Health Protection Act* and further guidance from Dr. Robert Strang. The committee recommends parties, counsel, and auctioneers follow the following practices.

Locations. Rooms may be available for sales, so long as COVID-19 restrictions can be observed in them:

Courthouse	Room
Amherst	16 Church Street, 3 rd floor
Annapolis Royal	The courtroom.
Antigonish	A courtroom.
Bridgewater	A small or a large boardroom, depending on availability. A courtroom may be available for a group of six or more.
Digby	Courtroom #1
Halifax	Seventh floor courtrooms.
Kentville	Former municipal planning office.
Pictou	A courtroom.
Port Hawkesbury	The conference room.
Truro	540 Prince Street
Sydney	Courtroom 11 for now.
Yarmouth	The large conference room

Sales of Hants County lands will need an order designating the courthouse in Kentville, Truro, or Halifax.

Bookings. Rooms are to be booked through the scheduling office in Halifax and prothonotaries' offices elsewhere.

Restrictions. People will be admitted to a courthouse only if they wear a protective mask and they give acceptable responses to questions about exposure and symptoms when asked on entry.

Counsel will be advised of the maximum sized group permitted in the room being booked.

People in the room may remove the mask, but they must maintain the two-metre distancing. The auctioneer will monitor compliance with Dr. Strang's orders.

Auctioneer's Health Duties. Auctioneers will exercise their power to adjourn the sale when more than the maximum number of people seek entry to a booked room. The possibilities are:

- Adjourn to an adequate space court administration, a scheduler, or a prothonotary can offer at that time.
- Adjourn to an adequate space at a new date and time offered later.
- Adjourn to a date certain, with a place in the courthouse to be designated at that time.
- Adjourn without day.

An auctioneer who finds that people in the room are violating the s.32 order may remind people of s.71 of the *Health Protection Act* and of Rule 89 – Contempt. An auctioneer who finds that it is not possible to comply with the order may adjourn the sale. An auctioneer who finds that someone deliberately obstructs the sale may contact the sheriffs' office to have the person removed and may continue with the sale.

Notices. Court staff may select a place for posting the notice of public auction that would reduce interaction with staff and among interested persons. In future, chambers judges may consider overriding the posting requirement while we are under COVID-19 restrictions.

The Committee recommends adding the following paragraph to the notice of public auction and the notice to subsequent encumbrances:

COVID-19: The court requires people entering a courthouse to maintain a two-metre distance from others and to wear a protective mask. The distance must be maintained in the room in which the auction is held. The mask may be removed during the auction and put back on when leaving the room. Additional requirements under the emergency health order will be enforced.

On Behalf of the Committee
July 22, 2020.

Moir, J.

Gerald Moir
Chair