

2021 01G 5705
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

ADVOCATES FOR THE RESPONSIBLE
DEVELOPMENT OF LONG POND FIRST APPELLANT

AND:

SUNSET KEY MARINA INC. SECOND APPELLANT

AND:

EASTERN NEWFOUNDLAND REGIONAL
APPEAL BOARD FIRST RESPONDENT

AND:

THE TOWN OF CONCEPTION BAY SOUTH SECOND RESPONDENT

AND:

OMNI MARINE SERVICES INC. THIRD RESPONDENT

SUMMARY OF CURRENT DOCUMENT	
Court File No.	2021 01G 5705
Date of filing document	January 14 th , 2022
Name of filing party or person	J. Alexander Templeton of McInnes Cooper, solicitors for the Second Respondent, the Town of Conception Bay South (the " Town ")
Application to which document being filed relates	Interlocutory Application (<i>Inter Partes</i>) pursuant to Rule 22.01 of the <i>Rules of the Supreme Court, 1986</i> seeking an injunction order against the Second Respondent and the Third Respondent
Statement for purpose in filing	Response of the Town in opposition to the Interlocutory Application (<i>Inter Partes</i>)

RESPONSE OF THE SECOND RESPONDENT TO THE INTERLOCUTORY APPLICATION (*INTER PARTES*) OF THE FIRST AND SECOND APPELLANTS

1. The Second Respondent, the Town of Conception Bay South (the "**Town**") opposes the Interlocutory Application (*Inter Partes*) of the First and Second Appellants for an injunction order against the Town and the Third Respondent, OMNI Marine Services Inc. ("**OMNI**") pursuant to Rule 22.01 of the *Rules of the Supreme Court, 1986* (the "**Application**").

2. The Town states that the balance of convenience as between the First and Second Appellants, on the one hand, and OMNI on the other, in the context of the factual matrix presented by the Application and OMNI's Reply, favours refusal of the injunction.
3. The Town further states, as it will set out more fully in its written submissions, that the within Appeal is wholly meritless and defective, and together with the Application and other filings by the First and Second Appellants constitute a barrage intent on stymieing OMNI's development at every opportunity, regardless of the merits of their pleas, that is abusive towards the Town's decision-making authority and the statutory appeal process set out in the *Urban and Rural Planning Act, 2000*, SNL 2000, c. U-8.
4. The Town therefore asks that the Application be dismissed with costs to the Town.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this 14th day of January, 2022.



J. Alexander Templeton

McINNES COOPER

Solicitors for the Second Respondent

Whose address for service is:

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TO: **The Supreme Court of Newfoundland and Labrador**
General Division
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AND TO: **Erin E. Best & Giles Ayres**
Stewart McKelvey
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AND TO: **Geoff E. Budden & Scott Lynch**
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 Solicitors for the First and Second Appellants
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AND TO: **Eastern Newfoundland Regional Appeal Board**
 The First Respondent
 c/o Robert Cotter, Secretary
 Municipal and Provincial Affairs
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