

NOVA SCOTIA COURT OF APPEAL

Citation: *Central Halifax Community Association v. Halifax (Regional Municipality)*, 2007 NSCA 39

Date: 20070405

Docket: CA 270185

Registry: Halifax

Between:

Sharon [Shazza] Laframboise, Director, on Behalf of
Central Halifax Community Association

Appellant

- and -

Halifax Regional Municipality, Department of Service Nova Scotia
and Municipal Relations, Nova Scotia Human Rights Commission
and the Department of Justice (N.S.)

Respondents

JUDGE: MacDonald, C.J.N.S.

APPEAL HEARD: December 7, 2006

SUBJECT: **Practice; Civil Procedure Rule 56.06; time limits to file *certiorari* application.**

SUMMARY: The appellant filed a complaint with the Nova Scotia Human Rights Commission. She alleged discrimination on the part of the Halifax Regional Municipality regarding the location of one of its new sewage treatment plants. The Commission dismissed the application before the formal hearing stage. In response, the appellant sought to quash this dismissal by way of a *certiorari* application before the Nova Scotia Supreme Court. Under rule 56.06, the *certiorari* application had to be “filed and served within six months after the judgment ... to which it relates.”

The application was filed beyond six months from the date of the decision but within six months from the date the appellant received notice of the decision.

The respondent applied to strike the application alleging it was filed out of time.

In response to the application to strike, the appellant argued that the six-month clock should have begun not when the decision was rendered, but later after she had been notified. Alternatively, she argued that rule 56.06 was *ultra vires* because it represented an unenforceable intrusion into substantive law by way of a regime that is limited to matters of procedure.

ISSUES:

1. For the purpose of *C.P.R.* 56.06, does the six-month clock begin when the impugned decision is rendered or later when the aggrieved party is notified?
2. Is rule 56.06 otherwise valid and enforceable?

RESULT:

Appeal dismissed. As the provision clearly states, the six-month clock begins when the impugned decision is rendered. Furthermore, rule 56.06 is valid and enforceable.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 24 pages.