

CASE NO.**VOL. NO.****PAGE**THE TRI-COUNTY DISTRICT
SCHOOL BOARD

- and -

NOVA SCOTIA UTILITY AND
REVIEW BOARD and ATTORNEY
GENERAL OF NOVA SCOTIA

(Appellant)

(Respondents)

CA165399

Halifax, N.S.

Flinn, J.A.

[Cite as: **Tri-County District School Board v. Nova Scotia (Utility and Review Board)**, 2000 NSCA 102]

APPEAL HEARD:

September 12, 2000

JUDGMENT DELIVERED:

September 14, 2000

SUBJECT:

Education Act - Boundaries of electoral districts for the election of school board members - parity of voting - appellate review of decision of Utility and Review Board establishing electoral districts and number of school board members

SUMMARY:

The Utility and Review Board decided that the area which is served by the appellant school board be divided into eight electoral districts with one school board member to be elected from each. The appellant appealed the decision claiming that the designation of Clare as one of the districts did not comply with the URB's guidelines for establishing such a district.

RESULT:

Appeal allowed.

The number of voters in Clare - which was used by the URB, and which demonstrated relative voter parity with the other seven electoral districts - did not take into account the fact that a substantial number of those eligible voters are ineligible because they would participate in the voting for a French school board. The failure of the URB to take this into account is substantial, and produces a result which is patently unreasonable. The decision and order of the URB were set aside and a rehearing was ordered.

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 9 pages.