

CASE NO.

VOL. NO.

PAGE

THE TOWN OF MIDDLETON WATER UTILITY, a water utility as defined in the *Public Utilities Act* and THE TOWN OF MIDDLETON, a body corporate under the provisions of the *Municipal Government Act*

- and - NOVA SCOTIA UTILITY AND REVIEW BOARD, a body corporate under the *Utilities and Review Board Act* and ARDY BORN WITH THREE THUMBS

(Appellants)

(Respondents)

CA 165302

Halifax, N.S.

Roscoe, J.A.

Cite as: *Born With Three Thumbs v. Middleton (Town) Water Utility*, 2001 NSCA 88

APPEAL HEARD:

March 23, 2001

JUDGMENT DELIVERED:

May 23, 2001

SUBJECT: **Public Utilities Act, Nova Scotia Utility and Review Board Practice**

SUMMARY: After receiving a complaint, the Utility and Review Board investigated the matter and then ordered the appellant water utility to restore water service to the respondent, Ms. Born With Three Thumbs.

ISSUE: Whether the Utility and Review Board had the jurisdiction to make an order following its investigation without notice to the water utility and without providing the utility with the opportunity to be heard and to respond to the complaint.

RESULT: Appeal allowed. In the circumstances of this case, the Board exceeded its jurisdiction by ordering reconnection of the water service without providing the utility an opportunity to present its case at a hearing of the Board.

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 14 pages.