

CASE NO.

VOLUME

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Cite as: Nova Scotia (Finance) v. Hodder, 1998 NSCA 86

HER MAJESTY THE QUEEN in the right of the
PROVINCE OF NOVA SCOTIA represented by the
MINISTER OF FINANCE

(Appellant)

- and -

WILSON HODDER, NOVA SCOTIA HUMAN RIGHTS COMMISSION
and PATRICK J. DUNCAN, Q.C., a Board a Board of Inquiry appointed
pursuant to Section 32A(a) of the *Human Rights Act*, R.S.N.S. 1989,
c. 214, as amended

(Respondents)

C.A. No. 144161

Halifax, N.S.

CHIPMAN, J.A.
(orally)

APPEAL HEARD: March 26, 1998

JUDGMENT DELIVERED: March 26, 1998

WRITTEN RELEASE OF ORAL: March 31, 1998

SUBJECT: **Civil Rights - Human Rights Act, R.S.N.S. 1989, c. 214, as amended**

SUMMARY: A complaint was made under the **Human Rights Act** that the appellant discriminated against the complainant in the provision of services contrary to s. 5(1)(a) of the **Human Rights Act** in the exclusion of same sex partners from the term "spouse" as used in the **Public Service Superannuation Act**, R.S.C. c. 377. A Board of Inquiry appointed by the Human Rights Commission resolved a number of preliminary issues raised respecting its jurisdiction to hear the complaint.

ISSUE: The appellant contended that the Board erred in its decision resolving the preliminary motions relating to its jurisdiction.

RESULT: The Court of Appeal held that for the reasons given by it in **Workers'**

Compensation Board (N.S.) v. O'Quinn (1995), 147 N.S.R. (2d) 28, the administration by the appellants of the pension and other benefits at issue was capable of being considered the provision of services or facilities within the meaning of **s. 5(1)(a)** of the **Human Rights Act**. The Board, therefore, had jurisdiction to proceed with the Inquiry into the complaints before it. It was not necessary to resolve other issues raised. The appeal was dismissed without costs.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S
DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER
SHEET. THE FULL COURT DECISION CONSISTS OF 1 PAGE.**