

NOVA SCOTIA COURT OF APPEAL

Citation: *Martell v. Halifax (Regional Municipality)*, 2015 NSCA 101

Date: 20151113

Docket: CA 439419

Registry: Halifax

Between:

Peter Martell

Appellant

v.

Halifax Regional Municipality, Nova Scotia Utility and Review Board
and Attorney General of Nova Scotia

Respondents

Judge: The Honourable Justice Cindy A. Bourgeois

Appeal Heard: September 29, 2015, in Halifax, Nova Scotia

Subject: Administrative law; interpretation of land-use by-laws

Summary: The appellant proposed to develop two lots of land located on the Waverley Road in Dartmouth. This appeal involves the respondent Municipality's refusal to grant the appellant a development permit to construct 17 detached, single family homes on the lots. This refusal was sustained by the respondent Board, prompting the appeal to this Court. Before the Board, the appellant asserted that because the Dartmouth Land-Use By-Law (DLUB), s. 32(2) in particular, did not explicitly prohibit the construction of more than one main building on lots within the R-1 zone (Single-Family Residential), that such should be permitted. The Board undertook an interpretative analysis of the by-law and rejected the interpretation advanced by the appellant. Before this Court, the appellant argued the Board's decision was

unreasonable.

Issue: Did the Board unreasonably interpret s. 32(2) of the DLUB when concluding that lots containing multiple main buildings or dwellings were prohibited in the R-1 zone?

Result: Appeal dismissed. The Board's decision was reasonable, as it was justifiable, transparent and intelligible; with its conclusion occupying the range of reasonable outcomes.

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 17 pages.