

CASE NO.

VOLUME

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Cite as: Fares v. Nova Scotia (Workers' Compensation Board), 1998 NSCA 140

OMAR FARES

WORKERS' COMPENSATION BOARD
OF NOVA SCOTIA and WORKERS'
COMPENSATION APPEALS TRIBUNAL
OF NOVA SCOTIA

- and -

(Appellant)

(Respondents)

C.A. No. 146312

Halifax, N.S.

FLINN, J.A.
(orally)

APPEAL HEARD:

May 27, 1998

JUDGMENT DELIVERED:

May 27, 1998

WRITTEN RELEASE OF ORAL:

May 28, 1998

SUBJECT:

Procedure - Application to Extend Time for Filing Notice of Appeal - Application for Leave to Appeal - Workers' Compensation Act, R.S.N.S. 1994-95, c. 10

SUMMARY:

The appellant applied for leave to extend the time to file a notice of appeal, and if granted, to appeal a decision of the Workers' Compensation Appeals Tribunal (WCAT) dated March 3rd, 1997.

RESULT:

Application dismissed.

The proposed notice of appeal is over a year late. The proposed notice of appeal alleges errors of law and fact, by WCAT, which this Court is specifically prevented from hearing under s. 256 of the **Workers' Compensation Act**. There is no explanation for the delay; nor any indication that the appellant had a *bona fide* intention to appeal while the right to appeal existed. See: **Irving Oil Ltd. v. Sydney Engineering Inc. et al** (1996), 150 N.S.R. (2d) 29; and **Tibbetts v. Tibbetts** (1992), 112 N.S.R. (2d) 173.

The Court of Appeal went on to decide that even if an extension of time for filing the notice of appeal was granted, leave to appeal would not be granted because the proposed appeal raises issues on which the Court of Appeal has no jurisdiction to intervene under s. 256 of the **Workers' Compensation Act**.

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DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER
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