

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Johnson v. Halifax (Regional Municipality)*, 2005 NSCA 70

**Date:** 20050422

**Docket:** CA 225416

**Registry:** Halifax

**Between:**

Halifax Regional Municipality

Appellant

v.

The Nova Scotia Human Rights Commission and  
Kirk Johnson

Respondents

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**JUDGE:** MacDonald, C.J.N.S.

**APPEAL HEARD:** February 10, 2005

**SUBJECT:** **ADMINISTRATIVE LAW, board of inquiry under the *Human Rights Act*, R.S.N.S. 1989, c. 214, standard of review. Statutory Interpretation - jurisdiction of the Board to order legal costs incidental to an order for compensation.**

**SUMMARY:** A board of inquiry appointed under the **Act**, found the respondent to be a victim of discrimination at the hands of the appellant Municipality. The Board included legal costs as part of its compensation award. The Municipality appealed to this court, maintaining that the Board had no authority, expressed or implied, to make such an award.

- ISSUES:**
1. The standard of review
  2. The Board's jurisdiction to order legal costs.

**RESULT:** Appeal allowed. 1) The Board in interpreting the **Act**, had no more expertise than this court. Therefore, the standard of review was correctness. 2) The Board had no expressed or implied authority to order legal costs incidental to its compensation award. That part of its award was therefore set aside.

**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.**