

NOVA SCOTIA COURT OF APPEAL

Citation: Police Association of Nova Scotia Pension Plan v. Amherst (Town),
2008 NSCA 74

Date: 20080815

Docket: CA 291842

Registry: Halifax

Between:

Trustees of the Police Association of Nova Scotia Pension Plan
Appellants

and

The Towns of Amherst, Bridgewater, New Glasgow,
Springhill, Stellarton, Trenton, Truro and Westville and
The Regional Municipality of Cape Breton

Respondents

and

Nova Scotia (Superintendent of Pensions)

Respondent

and

Police Association of Nova Scotia

Respondent

Judge: The Honourable Justice Fichaud

Appeal Heard: May 28, 2008

Subject: Pensions - standard of review

Summary: The Towns' collective agreements adopted the Police Association of Nova Scotia Pension Plan. The Plan provided defined benefits but was underfunded. The Superintendent of Pensions ordered the Towns to make payments to fund the Plan, under the *Pension Benefits Act* of Nova Scotia and its Regulations. The Nova Scotia Supreme Court overturned the Superintendent's order.

Issue: The issue was whether the Supreme Court judge erred by overturning the Superintendent's order.

Result: The Court of Appeal allowed the appeal and restored the Superintendent's order. The standard of review was correctness for straightforward legal issues and reasonableness for issues involving pension expertise, mixed fact and law, policy or discretion. The Superintendent's ruling was intelligible, and within the range of acceptable outcomes. The Superintendent's ruling satisfied the correctness SOR on straightforward legal issues and was reasonable on the remaining issues.

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 57 pages.