

NOVA SCOTIA COURT OF APPEAL

Citation: *White v. Halifax Regional Municipality Pension Committee*,
2007 NSCA 22

Date: 20070215

Docket: CA 261369

Registry: Halifax

Between:

Michael White, Frederick Brooks, John Canning
and Gordon Gardiner

Appellants

v.

Gordon Roussel and Michael Rogers, representing
the members of the Halifax Regional Municipality
Pension Committee

Respondent

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: September 26, 2006

Subject: Pension benefits; estoppel; costs

Summary: The appellants claimed to be entitled to have their service with a previous employer credited at the higher rate provided for in their employer's current plan. They claimed in contract under the terms of the current plan and/or the contents of an information and option package that they had been given. They also claimed in estoppel. The trial judge rejected both claims and they appealed.

- Issues:**
1. Did the pension plan and/or the information and option package give the appellants a contractual right to the benefit they claimed?
 2. Did the information and option package give rise to an estoppel?
 3. How should costs at trial and on appeal be addressed?

Result: Appeal dismissed. The pension plan and/or the information and option package did not give the appellants a contractual right to the benefit they claimed. There was no estoppel because there had been no unambiguous representation. Costs should follow the event on a party and party scale both at trial and on appeal.

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 32 pages.