

NOVA SCOTIA COURT OF APPEAL

Citation: *G.M. v. Nova Scotia (Director of Victim Services) (Re)*, 2003 NSCA 3

Date: 20030108

Docket: CA 181857

Registry: Halifax

Between:

G. M.

Appellant

v.

Nova Scotia Utility and Review Board

Respondent

Editorial Notice

Identifying information has been removed from this electronic version of the library sheet.

JUDGE:

Freeman, J.A.

APPEAL HEARD:

December 9, 2002

SUBJECT: *Victims' Rights and Services Act, R.S.N.S. 1989, c. 14; Victim of Childhood Sexual Abuse; Post-Traumatic Stress Disorder; Necessary Medical Services; Discretion.*

SUMMARY: The self-represented appellant was the victim of childhood sexual abuse who developed symptoms of post-traumatic stress disorder as a young adult during prolonged court proceedings resulting in the conviction of the perpetrator. Her claim under the *Victim's Rights and Services Act* arose before the *Act* was substantially amended in 2000. On appeal to the Nova Scotia Utility and

Review Board from refusal of her claim for various health related services she was granted compensation for gymnasium costs helpful for managing her fibromyalgia. She appealed the refusal of her other claims, principally for massage therapies, to this court.

ISSUE: Did the Board err in refusing compensation for other therapies?

RESULT: The appeal was allowed with nominal costs and the Director of Victims' Services was directed to provide compensation for physical massage in addition to the gymnasium fees ordered by the Board. The appellant's need for physical massage was proven to the civil standard, and the Board erred in excising its discretion to refuse it without stating clear reasons for doing so.

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.