

CASE NO.

VOLUME

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Cite as: Creelman v. Duke Street Area Residents, 1999 NSCA 174

CALDER CREELMAN

DUKE STREET AREA RESIDENTS
and NOVA SCOTIA UTILITY and
REVIEW BOARD and TOWN OF
TRURO

- and -

(Appellant)

(Respondent)

C.A. No. 148472

Halifax, N.S.

HART, J.A.

APPEAL HEARD:

December 3, 1998

JUDGMENT DELIVERED:

January 4, 1999

SUBJECT: **Town Planning Act - use of development agreement**

SUMMARY: The Town of Truro after completing all preliminary procedures and a public hearing approved a development agreement permitting the building of an apartment building in a R-7 zone. An appeal by local residents to the Utilities and Review Board resulted in the matter being referred back to Town Council for further review.

ISSUE: Whether the Board was correct in holding that the Town had not followed its Municipal Planning Strategy in approving the agreement.

RESULT: The Appeal Court held that the Board was wrong in concluding that the Town had not reasonably followed its Municipal Planning Strategy and referring the matter back for further consideration. The decision of the Town Council was confirmed.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S
DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER
SHEET. THE FULL COURT DECISION CONSISTS OF 19 PAGES.**