

NOVA SCOTIA COURT OF APPEAL

Citation: Halifax (Regional Municipality) v. Anglican Diocesan Centre Corporation, 2010 NSCA 38

Date: 20100504

Docket: CA 319426

Registry: Halifax

Between:

The Halifax Regional Municipality

Appellant

v.

Anglican Diocesan Centre Corporation,
The Dean and Chapter of Cathedral Church of All Saints, Halifax
and The Diocesan Synod of Nova Scotia and Prince Edward Island

Respondents

Judge: The Honourable Justice Fichaud

Appeal Heard: April 6, 2010

Subject: Planning - Utility and Review Board

Summary: A Church applied for a development permit to construct an eight story seniors' care facility on its property. The municipal development officer denied the permit because the proposed facility would be too residential and, in his view, not permitted in the Church's P Zone (Institutional). The Utility and Review Board allowed the Church's appeal and ordered issuance of the permit. The Municipality appealed to the Court of Appeal.

Issue: Did the Board commit a reviewable error by ordering issuance of the development permit?

Result: The Court of Appeal dismissed the municipality's appeal. The Board's decision was a reasonable interpretation of the land use by-law and did not offend the standard of review.

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 25 pages.

