

NOVA SCOTIA COURT OF APPEAL

Citation: *Antigonish (County) v. Alva Construction Ltd.*, 2010 NSCA 52

Date: 20100609

Docket: CA 323179

Registry: Halifax

Between:

Municipality of the County of Antigonish

Appellant

v.

Alva Construction Limited

Respondent

Judge: The Honourable Mr. Justice Jamie W.S. Saunders (Orally)

Appeal Heard: June 9, 2010

Written Release: June 10, 2010

Subject: **Municipal By-law. Tipping Fees. Civil Action. Enforcement.**

Summary: A municipality appealed the order of a Chambers judge who decided that the municipality was barred from enforcing its by-law and attempting to collect tipping fees by commencing a separate civil action, in a situation where it had not initiated a prosecution under its by-law within the statutory time limit.

Held: Appeal dismissed. On the agreed statement of facts put before the Court the judge's decision was correct.

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 2 pages.