

NOVA SCOTIA COURT OF APPEAL

Cite as Geldart v. Nova Scotia (Workers' Compensation Board), 1996 NSCA 10

BETWEEN:

WILLA GELDART

Applicant

- and -

THE WORKERS' COMPENSATION
BOARD OF NOVA SCOTIA

Respondent

) David P.S. Farrar
) for the Applicant

) Thomas W. Jarmyn
) for the Respondent

) Application Heard:
) September 19, 1996

) Decision Delivered:
) September 23, 1996

BEFORE THE HONOURABLE JUSTICE HALLETT IN CHAMBERS

HALLETT, J.A.:

This is an application by the respondent to quash a notice of appeal filed in the above proceeding. The issues raised on the application to quash involve interpretation of the **Workers' Compensation Act**, S.N.S. 1994-95, c. 10. With some limited exceptions the **Act** came into force on the 1st day of February, 1996. (See Table of Public Statutes attached to S.N.S. 1996, p. 290). The **Act** is new and complex. It repeals the former **Workers' Compensation Act** and has made very significant changes in the manner in which workers' compensation claims in the Province are assessed and adjudicated.

In my opinion, giving the long term effects of a decision to be rendered on the issues raised on the application to quash, a panel of this Court, rather than a Chambers judge, ought to consider the motion at the time of the hearing of the appeal which is set for October 7th, 1996, approximately three weeks from now.

Counsel for the respondent Board made certain submissions to me respecting the possibility of the Court combining the hearing of the application to quash and this appeal with an application for leave to appeal in the proceedings entitled **Carlton MacLean v. Workers' Compensation Board of Nova Scotia** so that both matters would be heard on September 26th, 1996, being the date scheduled for the hearing of the leave application in the **MacLean** proceedings. Counsel for the appellant was opposed to the combination of these proceedings whether on the 26th of September or October 7th. He advised the Court that if issues affecting his client were to be adjudicated on the **MacLean** hearing he would apply to intervene.

I have considered the submissions of counsel and concluded that it is best to leave these pending proceedings as they stand; the **MacLean** application

for leave to appeal will be heard by the Court on September 26th and the Court will hear the matters in **Geldart v. Workers' Compensation Board of Nova Scotia** on October 7th, 1996 as scheduled. On the latter hearing the Court can consider questions raised by the respondent's motion to quash and by the appellant's notice of appeal from the decision of the hearing officer.

There will be no costs on this application.

Hallett, J.A.

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) REASONS FOR
JUDGMENT BY:

) HALLETT, J.A.
(in Chambers)
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