

NOVA SCOTIA COURT OF APPEAL

Citation: New Scotland Soccer Academy v. Nova Scotia (Labour Standards Tribunal), 2010 NSCA 43

Date: 20100517

Docket: CA 319984

Registry: Halifax

Between:

Kathy Baker, carrying on business under
the firm name and style of New Scotland
Soccer Academy

Appellant

v.

The Labour Standards Tribunal and
Attorney General of Nova Scotia and
Frederico Luis Otta Krause

Respondents

Judge: The Honourable Justice David P. S. Farrar

Appeal Heard: May 11, 2010

Subject: Administrative Law; Labour Standards Tribunal duty of
fairness; Right to receive notice and to make submissions

Summary: A Labour Standards Officer found the appellant liable to the
respondent, Mr. Krause, in the amount of \$6,026. The
appellant exercises her statutory right of appeal to the Labour
Standards Tribunal. On an *ex parte* application by the Director
of Labour Standards, and without notice to the appellant, the
Tribunal required the appellant to post a bond in the amount of
the award. The appellant appealed from the decision of the
Tribunal requiring a bond, arguing that she was entitled to
receive notice and to make representations.

Issue: Whether the appellant was denied procedural fairness.

Result:

Appeal allowed. The Tribunal erred in failing to give the appellant notice of the application and an opportunity to be heard. The matter was remitted to the Tribunal.

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 8 pages.