

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Halifax (Regional Municipality) v. Hoelke*, 2011 NSCA 96

**Date:** 20111021

**Docket:** CA 326354

**Registry:** Halifax

**Between:**

Halifax Regional Municipality (Workers'  
Compensation Board Claim No. 1997130)

Appellant

v.

Herbert Hoelke, The Nova Scotia Workers' Compensation  
Appeals Tribunal, The Workers' Compensation Board of Nova  
Scotia, Attorney General of Nova Scotia

Respondents

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**Judge:** The Honourable Justice David P.S. Farrar

**Appeal Heard:** June 14, 2011

**Subject:** **Workers' Compensation. Definition of Accident -  
Disablement.**

**Summary:** Halifax Regional Municipality (HRM) appeals a finding of the Workers' Compensation Appeals Tribunal (WCAT) that the respondent's skin condition was a personal injury by accident arising out of or in the course of employment arguing that Mr. Hoelke did not suffer a loss of earnings or loss of earning capacity and as a result could not satisfy the definition of "accident" in the **Workers' Compensation Act**, S.N.S. 1994-95, c. 10.

**Result:** Appeal dismissed. WCAT determined that Mr. Hoelke suffered from a disablement which falls within the definition of "accident". It is not necessary for a determination of "disablement" that an individual suffer a loss of earnings or loss

of earning capacity.

**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 11 pages.**