

NOVA SCOTIA COURT OF APPEAL

Cite as: Arb Recycling v. Halifax (County) , 1996 NSCA 20
Hallett, Chipman and Freeman

BETWEEN:

ARB RECYCLING)	Appellant did not appear
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)	
)	
)	
- and -)	
)	Daniel W. Ingersoll
)	for the Respondent
HALIFAX COUNTY MUNICIPALITY)	
)	
)	
)	Appeal Heard:
)	January 30th, 1996
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)	
)	Judgment Delivered:
)	January 30th, 1996
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THE COURT: Appeal dismissed.

The reasons for judgment of the Court are:

We are of the unanimous opinion that the appeal should be dismissed for the reasons set forth in the recitals to the Order being signed this date, a copy of which is attached hereto as Schedule "A".

We are also of the opinion that, given the circumstances, the respondent should have costs in the amount of \$500.

Hallett, J.A.

Chipman, J.A.

Freeman, J.A.

SCHEDULE "A"

C.A. No. 114549

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

ARB RECYCLING

Appellant

- and -

MUNICIPALITY OF THE COUNTY OF HALIFAX

Respondent

ORDER FOR JUDGMENT

WHEREAS the appellant did not perfect the appeal, having failed to both file an Appeal Book and a Factum;

AND WHEREAS the appellant did not appear on the time and on the date set for hearing of the appeal;

AND WHEREAS Daniel Ingersoll, counsel for the respondent, appeared and moved for the dismissal of the appeal;

AND WHEREAS the respondent's counsel was required to appear before Judges of this Court sitting in Chambers on two separate applications by the appellant to have the appeal adjourned; both applications were dismissed;

AND WHEREAS counsel for the respondent was required to appear in this Court for the hearing of the appeal;

IT IS ORDERED THAT that the appeal is dismissed with costs to the respondent in the amount of \$500.

DATED at Halifax, Nova Scotia, this 30th day of January, 1996.

Registrar

