

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Dixon v. Nova Scotia (Director of Public Safety), 2012 NSCA 2

**Date:** 20120105

**Docket:** CA 343192

**Registry:** Halifax

**Between:**

Delilah Delores Dixon and  
Peter Sheldon MacKinnon

Appellants

v.

The Director of Public Safety

Respondent

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**Judge:** The Honourable Justice Peter M. S. Bryson

**Appeal Heard:** October 13, 2011, in Halifax, Nova Scotia

**Subject:** Government Law; Municipal Law; Regulation of Property.

**Summary:** Director of Public Safety successfully applied for a community safety order against appellants. They challenged the order alleging legal errors by Chambers judge when interpreting s. 7 of the *Safer Communities and Neighbourhoods Act*, S.N.S. 2006, c. 6 (“Act”).

**Issues:**

- (1) Did Chambers judge err in his interpretation of the words “habitually used” regarding alleged illegal uses of the appellants’ property?
- (2) Did Chambers judge err by misinterpreting the term “reasonable inference” when considering the evidence of illegal uses of the appellants’ property?
- (3) Did Chambers judge err in determining the need for a community safety order?

**Result:** Appeal dismissed. Under s. 21 of the *Act*, appeals of

community safety orders require leave and are confined to questions of law. Leave was previously granted. The Chambers judge did not err in deciding that the property was habitually used for the possession, use, consumption, sale, transfer or exchange of illicit drugs. Recent convictions were not necessary to establish breach of the *Act*. “Habitual use” for illicit purposes could be reasonably inferred from other evidence such as meeting with a known drug dealer and attendance at the property by known drug users. The impugned activity need not be daily, continual or permanent. Occasional activity implying ongoing conduct would suffice. The need for a community safety order is a question of mixed fact and law and subject to the standard of palpable and overriding error. The Chambers judge made no such error.

*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 22 pages.*