

NOVA SCOTIA COURT OF APPEAL

Citation: *Canadian Elevator Industry Education Program v. Nova Scotia (Elevators and Lifts)*, 2016 NSCA 80

Date: 20161109

Docket: CA 447911

Registry: Halifax

Between:

Ward Dicks, Ben McIntyre, Dan Vinette, Dave Garroick, Andy Reistetter, and Peter Beerli as trustees for the Canadian Elevator Industry Education Program

Appellants

v.

The Chief Inspector appointed pursuant to the *Elevators and Lifts Act*, SNS 2002, c. 4

-and-

The Director of Technical Safety Division, Department of Labour and Advanced Education

-and-

Randy Kelly, Nathan McMichael, Craig Longard, Corey Cole, Jonathan McGregor, and James Noade

-and-

CKG Elevator Ltd.

Respondents

- Judge:** The Honourable Justice Peter M.S. Bryson
- Appeal Heard:** September 6, 2016, in Halifax, Nova Scotia
- Subject:** **Administrative law. Judicial Review. Standing**
- Summary:** Mechanics working on elevators in Nova Scotia must be certified under a programme operated by the appellant Trustees or another “equivalent” programme acceptable to the Province’s Chief Inspector. The Trustees’ programme was only open to employees working for unionized companies. The Chief Inspector authorized an alternative programme for non-unionized workers. The Trustees applied for judicial review of that decision. The Province successfully applied to dismiss the application because the Trustees lacked standing. The Trustees appealed.
- Issues:**
- (1) Did the motions judge err in deciding that the Trustees lacked private interest standing?
 - (2) Did the motions judge err in deciding that the Trustees lacked public interest standing?
 - (3) Did the motions judge err in considering standing as a preliminary matter?
- Result:** Appeal dismissed. The motions judge correctly decided that the Trustees had no interest in the Chief Inspector’s decision to authorize alternative training for elevator mechanics. She also appropriately exercised her discretion to refuse public interest standing because the Trustees raised no serious justiciable issue. The alternative programme was no longer offered, so no one other than the parties would be affected. Judicial review would not be an economical use of scarce judicial resources. There was an adequate record to dispose of the application on a preliminary motion and the judge properly exercised her discretion in doing so.

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 18 pages.