

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Hillside Pines Home for Special Care Society v. Beck*,  
2016 NSCA 85

**Date:** 20161117

**Docket:** CA 452058

**Registry:** Halifax

**Between:**

Hillside Pines Home for Special Care Society

Appellant

v.

Nida Beck

Respondent

and

Labour Board (Nova Scotia)

Respondent

**Judges:** Farrar, Oland and Bryson, JJ.A.

**Appeal Heard:** November 17, 2016, in Halifax, Nova Scotia

**Written Release** November 17, 2016

**Held:** **Appeal dismissed per oral reasons for judgment of the Court**

**Counsel:** Kathryn M. Dumke, for the appellant  
Respondent in person

**Reasons for judgment: (By the Court Orally)**

[1] The appellant, Hillside Pines Home for Special Care Society, appeals from the decision of Augustus Richardson, Q.C., sitting alone as a Labour Board Panel, where he allowed the appeal of the respondent, Nida Beck.

[2] By way of background, Ms. Beck was employed with Hillside Pines as a registered nurse for 22 years. On November 28, 2014, she was terminated for cause without notice.

[3] On April 28, 2015, Ms. Beck filed a complaint with the Director of Labour Standards arguing that Hillside Pines did not have just cause to dismiss her.

[4] The Director investigated, and on April 18, 2015, issued a Notice of No Violation. By issuing a Notice of No Violation, the Director found that Hillside Pines had just cause to dismiss Ms. Beck.

[5] Ms. Beck then appealed the Notice of No Violation to the Labour Board pursuant to s. 71 of the *Labour Standards Code of Nova Scotia*, R.S.N.S. 1989, c. 246, as amended. The matter was heard over three (3) days in February, 2016.

[6] By decision dated May 6, 2016 (reported as 2016 NSLB 153) Mr. Richardson allowed the appeal and ordered Hillside Pines to pay Ms. Beck the equivalent of 9 months' notice subject to statutory withholdings.

[7] Hillside Pines appeals that decision.

[8] The key issues on this appeal relate to the admissibility of Ms. Beck's disciplinary records before the Labour Board. Before the Board, the appellant asked that the disciplinary records be admitted as business records. Hillside Pines' argument before Mr. Richardson was, essentially, if the records were admitted as business records they would be *prima facie* accepted for the truth of their contents subject to challenge by Ms. Beck. If not challenged they would prove unequivocally that Hillside Pines had just cause to dismiss Ms. Beck.

[9] Mr. Richardson disagreed. He found that they were not business records and inadmissible for the truth of their contents. However, he did introduce the records and addressed them extensively in his decision.

[10] We are of the unanimous view that Mr. Richardson made no error in failing to admit the documents for the proof of their contents. In a well-reasoned and thorough decision he outlined his reasons for refusing to admit them. We agree with his analysis and conclusion the records are not business records; he committed no error in refusing to admit them as such. It is not necessary to elaborate further.

[11] As a result, the appeal is dismissed. As this is an appeal from a tribunal there shall be no order with respect to costs.

Farrar, J.A.

Oland, J.A.

Bryson, J.A.