

NOVA SCOTIA COURT OF APPEAL

Citation: *Halifax (Regional Municipality) v. Willis*,
2010 NSCA 76

Date: 20101014

Docket: CA 318258

Registry: Halifax

Between:

Halifax Regional Municipality

Appellant

v.

Allison Willis

Respondent

Judges: The Honourable Justice Linda Lee Oland
The Honourable Justice Duncan Beveridge
The Honourable Justice David P.S. Farrar

Appeal Heard: May 27, 2010

Subject: **Nuisance, Statutory Authority, Defence of Statutory
Community, Assessment of Damages**

Summary: The trial judge found HRM liable to the respondent in nuisance and awarded damages to the respondent for a period of 19 years. HRM appealed alleging the trial judge failed to properly consider the utility of conduct; failed to properly interpret both the defences of statutory immunity and statutory authority and erred in awarding damages for the full 19 year period, arguing that damages should be assessed only for the period after HRM received notice.

Issue: Did the trial judge err as alleged by HRM?

Result: Appeal dismissed. The trial judgment was varied to reflect the appropriate calculation of pre-judgment interest on the damage award.

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 21 pages.

