

CASE NO.**VOL. NO.****PAGE**

Cite as: B.M. v. Children's Aid Society of Cape Breton, 1998 NSCA 11

B. M.

- and -

CHILDREN'S AID SOCIETY
OF CAPE BRETON

(Applicant/Appellant)

(Respondent)

CA No. 147897

Halifax, N.S.

CHIPMAN, J.A.
(in Chambers)**Editorial Notice**

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APPEAL HEARD:

June 25, 1998

JUDGMENT DELIVERED:

July 7, 1998

SUBJECT:**Practice** - application for leave to extend time to appeal.**Family Law - Children and Family Services Act** - application for leave to extend time for appeal when time during which case is required to be heard by reason of s. 49(4) of the **Act** has also expired.**SUMMARY:**

B.M., a step-parent of a child taken into care, appeared at a disposition hearing for a permanent care order for the child. The order was granted by the Family Court judge who also found that there should be no access to the child. B.M.'s appeal from this decision to the Court of Appeal was dismissed. B.M. now sought leave to extend the time to appeal from two orders declaring the child to be in need of protective services which had been granted as a preliminary step in the proceedings. B.M. claimed that he had not received notice of the applications for the orders regarding protective services.

ISSUE:

Whether a Chambers judge had the power to exercise his discretion to extend the time for appeal, particularly in view of s. 49(4) of the **Act** and whether, in any event, the discretion should be exercised in B.M.'s favour.

RESULT:

Chambers judge reviewed the circumstances and held that while time could be extended, an order for extension should not be given because B.M. failed to satisfy the requisite tests for such an order.

This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 13 pages.