

NOVA SCOTIA COURT OF APPEAL
Cite as: Nova Scotia (Attorney General) v. Caudle, 1995 NSCA 215
Freeman, Jones and Bateman, JJ.A.

BETWEEN:

**ATTORNEY GENERAL OF NOVA
SCOTIA**

Appellant

- and -

FRED CAUDLE

Respondent

) Margaret L. MacInnis and
) Ronald J. Campbell
) for the Appellant

) Robert K. Dickson
) for the Respondent

) Appeal Heard:
) November 23, 1995

) Judgment Delivered:
) November 23, 1995
)

THE COURT: Appeal dismissed with costs per oral reasons of
Freeman, J.A., Jones and Bateman, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

FREEMAN, J.A.:

This is an appeal from a judgment of the Nova Scotia Utility and Review Board dismissing an application to determine compensation for lands expropriated from the respondent because the procedure for negotiations under s. 36 of the **Expropriation Act**, R.S.N.S. 1989, c. 156 had not been exhausted. We have carefully reviewed the proceedings before the board and the submissions of counsel. We can see no basis for interference with the judgment of the Board. The appeal is dismissed with costs. Costs are fixed at \$1,500 including disbursements payable forthwith.

J.A.

Concurred in:

Jones, J.A.

Bateman, J.A.

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REASONS FOR
JUDGMENT BY:
FREEMAN, J.A.
(orally)

