

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Dalrymple v. Halifax (Regional Municipality)*, 2017 NSCA 6

**Date:** 20170118

**Docket:** CA 448249

**Registry:** Halifax

**Between:**

Charles Dalrymple and Angela Dalrymple

Appellants

v.

Halifax Regional Municipality

Respondent

---

**Judge:** The Honourable Justice Peter M. S. Bryson

**Appeal Heard:** November 24, 2016, in Halifax, Nova Scotia

**Subject:** Municipal law. Unsightly premises. Constitutional law.  
*Charter of Rights*. Unreasonable search and seizure.

**Summary:** Municipality issued Orders to Remedy unsightly premises. Owners alleged that unsightly premises section of Municipality's *Charter* violated s. 8 of the *Charter of Rights* regarding both unreasonable search and seizure. They also alleged legislation was overly broad. The judge found that the application was a collateral attack on the Orders to Remedy which the owners had failed to appeal. He found the Municipality's *Charter* proscribing dangerous or unsightly premises did not offend s. 8 of the *Charter of Rights*. The owners appealed.

**Result:**

Appeal dismissed. The judge did not err in exercising his discretion to apply collateral attack rule. The Municipality's *Charter* did not violate *Charter of Rights* as it was not unreasonable regulation of unsightly premises and Municipality's power to remediate was not unreasonable "seizure". "Dangerous or unsightly" need not be interpreted in context of owner's use of property as unlicensed salvage yard. Nor was the legislation confined to what was unsightly from public road. "Overbreadth" of legislation was not relevant because no s. 7 *Charter* right was engaged. Even so, legislation was not overbroad.

<p><i>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 12 pages.</i></p>
--