

NOVA SCOTIA COURT OF APPEAL

Citation: *Tasty Budds Compassion Club Inc. v. Nova Scotia (Attorney General)*,
2017 NSCA 22

Date: 20170314

Docket: CA 454611

Registry: Halifax

Between:

Tasty Budds Compassion Club Inc.

Appellant

v.

Attorney General of Nova Scotia, Nova Scotia Utility and Review Board, and
Halifax Regional Municipality

Respondents

Judges: MacDonald, C.J.N.S.; Oland and Fichaud JJ.A.

Appeal Heard: March 14, 2017, in Halifax, Nova Scotia

Written Release March 15, 2017

Held: Appeal dismissed, per reasons for judgment of MacDonald,
C.J.N.S.; Oland and Fichaud, JJ.A. concurring

Counsel: Alexander J. Mackillop, for the appellant
Edward A. Gores, Q.C. for the Attorney General of Nova
Scotia (not participating)
Bruce Outhouse, Q.C. for the Nova Scotia Utility and Review
Board (not participating)
E. Roxanne MacLaurin for the respondent Halifax Regional
Municipality

Reasons for judgment:

By the Court

[1] The respondent Municipality's Developing Officer denied the appellant's request for a business occupancy permit because the proposed enterprise – the sale of marijuana – was deemed to have been illegal.

[2] The respondent Nova Scotia Utility and Review Board sustained that decision, which the appellant now seeks to have overturned by this Court.

[3] We are of the unanimous view that it was not unreasonable for the Board to conclude that the Development Officer's decision did not conflict with the provisions of the applicable land-use bylaw.

[4] The appeal is, therefore, dismissed. The earlier interlocutory decision of this Court ordering \$500.00 costs in the cause is confirmed and payable forthwith by the appellant to the respondent Municipality. Otherwise, there shall be no further costs on appeal.

MacDonald, C.J.N.S.

Oland, J.A.

Fichaud, J.A.