

NOVA SCOTIA COURT OF APPEAL

Citation: *Sparks v. Nova Scotia (Assistance Appeal Board)*, 2017 NSCA 82

Date: 20171108

Docket: CA 454879

Registry: Halifax

Between:

Brenton Sparks

Appellant

v.

Assistance Appeal Board (Nova Scotia) and the Department of Community
Services (Nova Scotia)

Respondents

and

Rosemary Sparks, Rosemary Sparks as Guardian *Ad Litem* for Jeannine
MacDonald, Tiauna Sparks and Angelica Sparks, and Women's Legal Education
and Action Fund Inc. (LEAF)

Intervenors

Judge: The Honourable Justice J. Michael MacDonald

Appeal Heard: May 31, 2017, in Halifax, Nova Scotia

Subject: Public law; income assistance; administrative law; Assistance
Appeal Board; reasonableness standard of review; principles
of statutory interpretation; interpretative aids when legislation
is ambiguous.

Summary: The respondent Department withheld all of the appellant's
monthly income assistance allotment because of his
insufficient efforts to seek employment. In addition to his
personal portion, the payment also included amounts

designated for his spouse and children. An appeal to the Assistance Appeal Board was dismissed. A judicial review application before the Supreme Court of Nova Scotia also failed. Before this Court, the appellant accepted that his portion of the monthly payment would be suspended. However, he argued that the portions designated for his spouse and children should not have been withheld.

Issues: Should the entire monthly payment have been withheld or only that portion designated for the defaulting parent?

Result: Appeal allowed. The operative provisions of the legislation were ambiguous. By applying the applicable principles of statutory interpretation, only that portion of the monthly benefit designated to the defaulting party should have been withheld. The innocent spouse and children should not suffer for the father's inaction.

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 20 pages.