

NOVA SCOTIA COURT OF APPEAL

Citation: *Lloyd v. Lunenburg (District)*, 2017 NSCA 88

Date: 20171206

Docket: CA 456945

Registry: Halifax

Between:

Daniel E. Lloyd

Appellant

v.

Municipality of the District of Lunenburg

Respondent

Judges: Fichaud, Beveridge and Farrar, JJ.A.

Appeal Heard: November 29, 2017, in Halifax, Nova Scotia

Held: Appeal dismissed with costs, per reasons for judgment of Beveridge, J.A.; Fichaud and Farrar, JJ.A. concurring

Counsel: Daniel E. Lloyd, appellant in person
J. C. Reddy, for the respondent

Reasons for judgment:

[1] The respondent ordered the appellant, Mr. Lloyd, to clean up his property as being unsightly. He did not. The respondent had the work done, and billed the appellant the cost. The appellant paid, but challenged the clean up order by way of an application for judicial review. Various grounds were advanced.

[2] The Honourable Justice James L. Chipman dismissed the appellant's judicial review application (2016 NSSC 149). Mr. Lloyd now appeals to this Court and advances motions to adduce fresh evidence and to amend his judicial review application.

[3] The motions are dismissed. The proposed fresh evidence are affidavits that pre-date the hearing of the judicial review application. They support the appellant's position that at least one of the structures on his land was not temporary or derelict—hence the clean up order went too far. It appears from the record that Justice Chipman had these materials, but did not find them persuasive in light of the decision under review.

[4] A judicial review application is not a re-trial of the issues the respondent had to decide. An appeal from a judicial review application even less so.

[5] The other motion seeks to amend the appellant's judicial review application to include a challenge to "action taken". The appellant's judicial review application did not fail due to any technical failure to properly identify the decision or action being challenged. It failed because Justice Chipman could find no basis to find the decision by the respondent to be unreasonable, tainted by legal error or marred by a breach of natural justice.

[6] The appellant has not identified even one arguable legal error in Justice Chipman's decision to dismiss the judicial review application. The appeal is without merit and is dismissed with costs to the respondent in the amount of \$1,000.00, inclusive of disbursements.

Beveridge, J.A.

Concurred in:

Fichaud, J.A.

Farrar, J.A.