

NOVA SCOTIA COURT OF APPEAL

Citation: *Colchester County (Municipality) on Behalf of Tatamagouche Water Utility v. Wall*, 2018 NSCA 67

Date: 20180725

Docket: CA 472168

Registry: Halifax

Between:

Municipality of the County of
Colchester on behalf of
Tatamagouche Water Utility

Appellant

v.

Tammie and Blake Wall, and The
Attorney General of Nova Scotia, and The
Nova Scotia Utility and Review Board

Respondents

Judge: The Honourable Justice David P.S. Farrar

Appeal Heard: May 24, 2018, in Halifax, Nova Scotia

Subject: **Administrative Law. Public Utilities Act**, R.S.N.S. 1989, c. 380, as amended, s. 19 and s. 53.

Summary: The respondents were served with a notice that effective December 31, 2017, the Tatamagouche Water Utility would be disconnecting their house from the Utility's water system.

The respondents filed a complaint with the Nova Scotia Utility and Review Board alleging that the Water Utility had improperly served them with notice and that the UARB's approval was required before they could be disconnected.

The UARB, in a decision dated November 1, 2017, agreed with the respondents and found the Water Utility could not terminate water service without the UARB's approval.

The Utility appealed.

Issues: Did the UARB err in finding that its approval was necessary before the respondents' water services could be discontinued?

Result: The appeal is dismissed without costs. The UARB did not err in its interpretation of the applicable sections of the *PUA* and the *URB Act*. It found that the Water Utility had assumed ownership of the water line leading to the respondents' house and that under s. 53 of the *PUA*, could not be disconnected without the consent of the UARB.

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 15 pages.