NOVA SCOTIA COURT OF APPEAL
Citation: *Singh Anand v. Halifax Water*, 2022 NSCA 80

Date: 20221214
Docket: CA 515005
Registry: Halifax

Between:

Mehardeep Singh Anand

Appellant

v.

Halifax Water, Nova Scotia Utility and Review Board, and Attorney General of Nova Scotia

Respondents

Judge:	Wood, C.J.N.S.
Motion Heard:	Motion by written submissions
Held:	Motion dismissed
Counsel:	Mehardeep Singh Anand, self-represented Ian R. Dunbar for Halifax Water Bruce Outhouse, KC for the Nova Scotia Utility and Review Board (not participating) Edward A. Gores, KC for the Attorney General of Nova Scotia (not participating)

Decision:

[1] Mr. Singh commenced this appeal on May 20, 2022. The Notice of Appeal requests the Court to rule on the "jurisdictional authority of Halifax Water over secondary laterals". The dispute leading to the appeal involved Mr. Singh's application for a permit to obtain water service for an ancillary building on his property.

[2] By Order, issued on November 10, 2022, The Honourable Justice David P.S. Farrar dismissed Mr. Singh's appeal for failure to file the Appeal Book and factum by the Court imposed deadline of November 4, 2022. Mr. Singh has made a motion to me requesting leave to have the Order reviewed by a panel of the Court pursuant to *Civil Procedure Rule* 90.38. The criteria for assessing whether to grant leave is found in subsection 6(c) which provides:

> (6) The Chief Justice may do any of the following on a motion for leave to review:
>
> …
>
> (c) grant leave to review the order of the judge in chambers if the Chief Justice is satisfied that the judge acted without authority under the rules, or the order is inconsistent with an earlier decision of a judge in chambers or the Court of Appeal, or that a hearing by a panel is necessary to prevent an injustice.

[3] A review of the procedural history of this matter will provide the context for the Order of Justice Farrar and Mr. Singh's motion.

[4] On May 20, 2022, Mr. Singh filed a Certificate of Readiness indicating that he would be able to file the Appeal Book no later than July 8, 2022. He would have been familiar with this process having previously represented himself as an appellant in this Court (*R. v. Anand* 2020 NSCA 12).

[5] On June 1st a Motion for Date and Directions was scheduled at the request of Mr. Singh. At that time, Mr. Singh indicated he was anxious to proceed quickly with his appeal and the date for the filing of the Appeal Book was set for July 15, 2022. The Appeal hearing was set for September 26, 2022 at 2:00 p.m.

[6] On July 14, 2022, Mr. Singh requested an extension of the filing date for the Appeal Book to July 25th which was granted with the consent of the respondents.

[7] On July 27, 2022, Mr. Singh advised the Court that he was not able to file the Appeal Book as scheduled and would like a new date for filing. Court staff advised him that a motion would be required and sent him explanatory materials.

[8] On August 26, 2022, Mr. Singh filed a motion for an extension of the filing dates for his Appeal Book and factum which was scheduled for September 7, 2022.

[9] Due to the failure to file the Appeal Book and factum in accordance with the original schedule, the appeal hearing set for September 26, 2022 was adjourned without day.

[10] Justice Farrar heard Mr. Singh's motion for an extension of filing dates on September 7th. I have listened to the audio recording of that hearing which discloses the following:

- The respondents did not consent to a further extension and were concerned with ensuring that if a new date was set it would be met. Their position was that the appeal was moot since Mr. Singh had ultimately received the permit for his water service.

- After hearing from the parties, Justice Farrar advised that he would set new dates for filing the Appeal Book and factum but there would be no further extensions. He said if those dates were not met the appeal would be dismissed. He then asked Mr. Singh to advise when he could file his Appeal Book and factum.

- Mr. Singh agreed with Justice Farrar's suggestion that the appeal be dismissed if he did not meet the new filing deadlines and asked for the filing date to be October 28, 2022.

- Justice Farrar set Mr. Singh's filing deadline as October 28, 2022 and the appeal hearing for January 24th.

- Upon being advised of the January 24th hearing date, Mr. Singh requested additional time to file the Appeal Book and factum and suggested November 4th. Justice Farrar agreed.

- At the conclusion of the hearing, Justice Farrar reiterated with Mr. Singh that there would be no further extensions and the appeal would be dismissed

> if the November 4th filing deadline was not met. Mr. Singh said that he "totally understood" this direction.

[11] On November 4, 2022, Mr. Singh arrived at the Courthouse requesting materials to file a further motion for an extension of filing dates. In accordance with his request staff provided him with motion documents for him to complete.

[12] Mr. Singh did not file a further motion for an extension, and on November 10, 2022 Justice Farrar issued the Order dismissing the appeal in accordance with the direction given at the September 7th hearing.

[13] In Mr. Singh's motion for leave to review Justice Farrar's Order, he indicates that his inability to file the materials on time was due to being "financially unstable".

[14] I have carefully reviewed Mr. Singh's motion materials and the entire Court record. Justice Farrar's Order was clearly within his authority and is the logical outcome of the clear direction provided to Mr. Singh on September 7th. Mr. Singh has not provided any evidence that a review hearing by a panel of this Court is necessary to prevent an injustice. For this reason, his motion for leave to review the November 10, 2022 Order is dismissed.

Wood, C.J.NS.