

**CASE NO.**

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Cite as: Save the Waterfront Society v. Nova Scotia (Utility and Review Board),  
1999 NSCA 178

THE SAVE THE WATERFRONT  
SOCIETY

- and -

THE NOVA SCOTIA UTILITY AND  
REVIEW BOARD

(Appellant)

(Respondent)

CA 154134

Halifax, N.S.

CHIPMAN, J.A.

**APPEAL HEARD:**

June 7, 1999

**JUDGMENT DELIVERED:**

June 7, 1999

**WRITTEN RELEASE OF ORAL:**

June 8, 1999

**SUBJECT:**

**Planning: Appeal from Nova Scotia Utility and Review Board to Court on questions of law and jurisdiction.**

**SUMMARY:**

This appeal, confined to questions of law and jurisdiction, is from a decision of the Nova Scotia Utility and Review Board confirming the decision of Council of Halifax Regional Municipality approving the entry of the Municipality into a development agreement with Waterfront Development Corporation and Southwest Properties Limited to develop Bishops Landing on property known as the South Battery located on Lower Water Street in Halifax. The appellant did not allege error on the Board's part in carrying out its major function, ie. to determine whether Council's decision was reasonably consistent with the municipal planning strategy. Rather the appeal was confined to a number of points of form.

**ISSUES:**

Whether the points of form raised amounted to reviewable grounds of the Board's decision.

**RESULT:**

The appeal is dismissed. The Nova Scotia Court of Appeal reviewed each of the points. First, the reasons of the Board complied with the requirements of s. 27 of the **Utility and Review Board Act**, S.N.S. 1992, c. 11. Second, the failure of the Halifax Regional Municipality to make its submissions to the Board on time caused no injustice. Third, the failure, if any, of the Municipality to comply with s. 49 of the **Planning Act** was

not an issue properly before the Board and this Court had no jurisdiction to visit it. The appeal was dismissed with costs to each respondent of \$2,500 payable by the appellant.

**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 2 pages.**