NOVA SCOTIA COURT OF APPEAL

Hallett, Chipman and Freeman, JJ.A.

Cite as: Halifax (City) v. Nova Scotia (Attorney General), 1993 NSCA 19

BETWEEN:

CITY OF HALIFAX	Mary Ellen Donovan
)	for the Appellant
Appellant	
11)	Alex F. Shaw, Q.C.
- and -	for the Respondent
)	The Attorney General of Nova Scotia
THE ATTORNEY GENERAL OF)
NOVA SCOTIA, representing Her	Samuel R. Lamey
Majesty the Queen in Right of the	for the Respondent
the Province of Nova Scotia as	The Municipality of the District of represented
in this behalf by the	Chester
Honourable Minister of Community	
Services, and THE MUNICIPALITY	Appeal Heard:
OF THE DISTRICT OF CHESTER	February 3, 1993
)
Respondents)	Judgment Delivered:
)	February 3, 1993
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THE COURT:

Matter remitted to Family Court to be decided upon on the basis of proper evidence to be adduced per oral reasons for judgment of Hallett, J.A.; Chipman and Freeman, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

HALLETT, J.A.

We are of the unanimous opinion that this matter should be remitted to the Family Court

to be decided on the basis of proper evidence to be adduced. Considering how the matter proceeded

before Judge Hebb it would be unfair to any of the parties and, in particular, the Municipality of

Chester to do otherwise. We are not prepared to interpret Section 5 of the Settlement Act other than

in the context of a satisfactory factual situation which does not exist in this case.

J.A.

Concurred in:

Chipman, J.A.

Freeman, J.A.

NOVA SCOTIA COURT OF APPEAL

Hallett, Chipman and Freeman, JJ.A.

BETWEEN:

CITY OF HALIFAX	
Appellant)
- and -	
THE ATTORNEY GENERAL OF NOVA SCOTIA, representing Her Majesty the Queen in Right of the the Province of Nova Scotia as in this behalf by the Honourable Minister of Community Services, and THE MUNICIPALITY OF THE DISTRICT OF CHESTER	REASONS FOR JUDGMENT BY: HALLETT, J.A. (orally)
Respondents)