

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

Respondents

REASONS FOR
JUDGMENT BY:

HALLETT, J.A.
(orally)