

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S., Jones and Freeman, JJ.A.

Cite as: Dartmouth (City) v. Dartmouth Police Association, Local 101 ,  
1993 NSCA 11

BETWEEN:

CITY OF DARTMOUTH	)	W. Augustus Richardson
	)	for the appellant
appellant	)	
	)	David W. Fisher
- and -	)	for the respondents
	)	
THE DARTMOUTH POLICE	)	Appeal Heard:
ASSOCIATION, LOCAL #101 OF THE	)	January 28, 1993
POLICE ASSOCIATION OF NOVA SCOTIA	)	
and SHIRLEY SHAFFNER and INNIS	)	Judgment Delivered:
CHRISTIE, ERIC DURNFORD and	)	January 28, 1993
RONALD A. STOCKTON, Chairman &	)	
Members Respectively of An Arbitration	)	
Board	)	
respondents	)	
	)	
	)	

THE COURT: Appeal dismissed from a decision of the chambers judge refusing to quash an award of an Arbitration Board per oral reasons for judgment of Clarke, C.J.N.S., Jones and Freeman, JJ.A. concurring.

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

CLARKE, C.J.N.S.:

This appeal arises from an application by the City of Dartmouth to quash and set aside the award of an Arbitration Board dated September 11, 1991. The application was heard by Mr. Justice Davison of the Trial Division, who, on March 18, 1992, dismissed it and awarded the respondents costs of \$800.00.

The decision of Mr. Justice Davison in which the relevant facts and circumstances underlying the application are set forth is reported in (1992), 113 N.S.R. (2d) 402. Therefore it is unnecessary to repeat them here.

After reviewing and considering the circumstances giving rise to the grievance the relevant provisions of the collective agreement and the applicable law, Mr. Justice Davison wrote at p. 405, paragraph 16:

"In my view the interpretation of the contract by the board was not patently unreasonable and the board did not exceed its jurisdiction. The board did not 'misconduct itself'."

The City of Dartmouth appeals from his decision alleging that he erred in law by deciding the Arbitration Board did not act unreasonably and did not exceed its jurisdiction.

We have reviewed the record. We have considered the written and oral submissions of counsel. We are persuaded that Mr. Justice Davison did not err in law.

Accordingly the appeal is dismissed. The respondents are awarded costs of \$320.00 together with their disbursements.

C.J.N.S.

Concurred in:

Jones, J.A.

Freeman, J.A.