

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Truro (Town) v. Creelman, 2003 NSCA 96

**Date:** 2003

**Docket:** CA 194272

**Registry:** Halifax

**Between:**

Town of Truro

Appellant

v.

Calder Creelman and Nova Scotia  
Utility and Review Board

Respondents

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**JUDGE:** CROMWELL, J.A. (Orally)

**APPEAL HEARD:** September 23, 2003

**JUDGMENT DELIVERED:** September 23, 2003

**WRITTEN RELEASE OF ORAL:** September 24, 2003

**SUBJECT:** **Municipal Planning and Zoning - Refusal of Development Agreement - appeals from Utility and Review Board**

**SUMMARY:** The respondent Creelman applied to the Town of Truro for a development agreement which the Town Council unanimously refused. Mr. Creelman appealed successfully to the Utility and Review Board which found that the refusal of the development agreement was not reasonably consistent with the Municipal Planning Strategy. The Town appealed.

**ISSUE:** Did the Board err in law or jurisdiction in allowing Mr. Creelman's appeal?

**RESULT:** The appeal by the Town was dismissed with costs. The Board asked itself the right question, correctly stated the scope of its review and discharged that review function on the basis of the record before it. While acknowledging that it was not obliged to do so, the Board accepted and acted upon unanswered planning opinion evidence that refusal of the proposed development agreement was not reasonably consistent with the Municipal Planning Strategy. There was no error of law or jurisdiction on the part of the Board.

**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 3 pages.**