

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Green v. Nova Scotia (Human Rights Commission)*,  
2011 NSCA 47

**Date:** Decision Date 20110520

**Docket:** CA 333320

**Registry:** Halifax

**Between:**

C. Elizabeth Green

Appellant

v.

The Nova Scotia Human Rights Commission,  
Mount Saint Vincent University and  
The Attorney General of Nova Scotia

Respondent

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**Judge:** The Honourable Justice Linda Lee Oland

**Appeal Heard:** April 2, 2011

**Subject:** s. 29(4)(b) Human Rights Act, R.S.N.S. 1989, c. 214 as amended - Reasonableness of Decision

**Summary:** The appellant filed a complaint with the Commission alleging that the respondent University had discriminated against her based on disability. After considering her complaint, the investigation report, and the submissions of the parties, the Commission dismissed her complaint as “without merit,” one of the sub-categories in s. 29(4) of the Act. The appellant’s motion to a Chambers judge for judicial review of the Commission’s decision was unsuccessful. She appeals.

**Issues:** Whether the Chambers judge erred in determining that (a) there was no duty to provide reasons and (b) the Commission’s decision to dismiss the appellant’s complaint was reasonable.

**Result:** Appeal dismissed. The Act does not contain any statutory requirement for reasons, beyond those in s. 29(4). The Commission's decision is one at the screening stage when it weighs the sufficiency of the evidence to determine whether a complaint should be referred onwards. The appellant was intimately involved in the process leading to its decision, aware of all arguments, and had the means to know why the Commission reached its decision. Its determination that her complaint is "without merit" falls within the range of acceptable outcomes which are defensible in respect of the facts and the law.

**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 15 pages.**