

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Capital District Health Authority v. Nova Scotia Government and General Employees Union*, 2006 NSCA 85

**Date:** 20060707

**Docket:** CA 261813

**Registry:** Halifax

**Between:**

The Capital District Health Authority

Appellant

v.

The Nova Scotia Government and  
General Employees Union

Respondent

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**Judge:** The Honourable Justice Thomas Cromwell

**Appeal Heard:** June 5, 2006

**Subject:** Judicial review - standard of review - interest arbitration board  
– *functus officio*

**Summary:** An interest arbitration board set wage rates for a three year period. The rates included both a catch-up and an across the board component. The parties did not agree on how to implement the catch-up component. The employer asked the board to address the matter further while the union took the position that the board was *functus officio* because it had already finally decided the matter. The board issued a supplemental award but it was quashed on judicial review because the judge found the board was *functus* as the union claimed. The employer appealed.

- Issues:**
1. What is the applicable standard of judicial review?
  2. Did the board make a reviewable error?

**Result:** Appeal allowed and the board's supplemental award restored. The applicable standard of review was reasonableness. The board did not make a reviewable error in issuing its supplemental award. It reasonably concluded that its main award had not accurately expressed its manifest intent, and accordingly, the board was entitled to issue its supplementary award to do so.

**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 18 pages.**