

NOVA SCOTIA COURT OF APPEAL

Citation: *Alementary Services Ltd. v. Nova Scotia (Alcohol and Gaming)*, 2009 NSCA 97

Date: 20090928
Docket: CA 311401
Registry: Halifax

Between:

Alementary Services Limited

Appellant

v.

Alcohol and Gaming Division, and The Attorney
General of Nova Scotia, and the Nova Scotia Utility and Review Board

Respondents

Judges: MacDonald, C.J.N.S.; Roscoe and Bateman, J.J.A.

Appeal Heard: September 28, 2009, in Halifax, Nova Scotia

Written Judgment: September 30, 2009

Held: Appeal dismissed per oral reasons for judgment of MacDonald, C.J.N.S.; Roscoe and Bateman, J.J.A. concurring.

Counsel: Christopher Robinson, for the appellant
Dale Darling, for the respondent Alcohol and Gaming Division
Edward Gores, Q.C. for the respondent Attorney General of
Nova Scotia not appearing
Bruce Outhouse, Q.C. for the respondent Nova Scotia Utility
and Review Board not appearing

Reasons for judgment: (Orally)

[1] Having been guided by the Supreme Court of Canada's decision in **Dunsmuir v. New Brunswick**, [2008] 1 S.C.R. 190 and this Court's decision in **Whiskey's Lounge Ltd v. Nova Scotia (Utility and Review Board)**, 2007 NSCA 95, we agree with the respondent Board's submission that the standard of review for each issue identified by the appellant is reasonableness. Applying this standard to each issue, we are of the unanimous view that the Board's decision was reasonable in all aspects. Therefore the appeal is dismissed but in the circumstances without costs.

[2] Because this Court issued a stay of execution pending the hearing of this appeal, the dates for the original suspension have now past. We therefore remit the matter back to the Board to determine the new suspension dates.

MacDonald, C.J.N.S.

Concurred in:

Roscoe, J.A.

Bateman, J.A.