

NOVA SCOTIA COURT OF APPEAL

Citation: *Shin Han F & P Inc.v. Canada-Nova Scotia Offshore Petroleum Board*,
2014 NSCA 108

Date: 20141205
Docket: CA 421670
Registry: Halifax

Between:

Shin Han F&P Inc.

Appellant

v.

Canada-Nova Scotia Offshore Petroleum Board

Respondent

Judge: The Honourable Justice David P.S. Farrar

Appeal Heard: October 6, 2014, in Halifax, Nova Scotia

Subject: **Canada-Nova Scotia Offshore Resources Accord Implementation Act, S.C. 1988, c. 28; Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.N.S. 1987, c. 3; Judicial Review. Standard of Review.**

Summary: The appellant was granted an exploration license for a parcel of offshore lands. As a condition of the license it was required to deposit 25% of the proposed Exploration Expenditure as security (approximately \$32,250,000.00). The appellant failed to make the required deposit within the time limited by the Exploration License. The failure to make the deposit resulted in a cancellation of the Exploration License.

The appellant sought Judicial Review of the cancellation of the license before Nova Scotia Supreme Court Justice Gregory Warner. The Judicial Review application was dismissed. The appellant appealed to this Court.

- Issues:**
- (1) Did the Oil and Gas Committee constituted under the **Offshore Implementation Acts** err in concluding that it did not have jurisdiction to reconsider the decision of the Petroleum Board not to extend the time for making the deposit?
 - (2) Was the Petroleum Board's decision to cancel the Exploration License unreasonable? And
 - (3) Did the procedure chosen by the Committee create a reasonable apprehension of bias?

Result: Appeal dismissed. The reviewing judge identified and correctly applied the correct standard of review to the decisions of the Oil and Gas Committee and the Petroleum Board in concluding that their decisions were reasonable. With respect to the procedure creating a reasonable apprehension of institutional bias, that issue was not argued before the reviewing judge and it was not in the interest of justice to hear it for the first time on appeal.

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 24 pages.