

SUPREME COURT OF NOVA SCOTIA

Citation: Solid Waste Association of Nova Scotia v. Halifax (Regional Municipality),
2005 NSSC 89

Date: 20050421
Docket: SH 186336
Registry: Halifax

Between:

Solid Waste Association of Nova Scotia
(SWANS) Limited, a body corporate

Plaintiff

v.

Halifax Regional Municipality

Defendant

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Judge: The Honourable Justice Suzanne M. Hood

Heard: February 16, 2005 (Special Chambers) in Halifax, Nova Scotia

Subject: Standing

Summary: Solid Waste Association of Nova Scotia (SWANS) applies to quash certain sections of HRM's Solid Waste Collection and Disposal By-law. Halifax Regional Municipality (HRM) and Halifax Waste Management Society (HWMS) raise as a preliminary issue that SWANS does not have standing to bring the application.

Issue: Standing

Result: SWANS does not have standing.

- 1) Section 189 of the *Municipal Government Act* does not give everyone standing as of right to challenge a municipal by-law; it does not oust the court's discretion to decide the issue of standing;
- 2) SWANS does have a genuine interest in testing the validity of the by-law.
- 3) However, there is another reasonable and effective mean of bringing the matter before the court.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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