

**CASE NO.**

**VOL. NO.**

**PAGE NO.**

**IN THE SUPREME COURT OF NOVA SCOTIA**

**BETWEEN:**

**ANTHONY CHARLES ADAMS**

**PLAINTIFF**

**- and -**

**METROPOLITAN REGIONAL HOUSING AUTHORITY,  
INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 968, BOB GRANT, LAWRENCE DOREY and JIM  
RITCHIE**

**DEFENDANTS**

**Justice C. Richard Coughlan**

**Halifax, Nova Scotia**

**S.H. 169634**

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[CITE: Adams v. Metropolitan Regional Housing Authority, 2001 NSSC 134]

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**HEARD:** At Halifax, Nova Scotia (in Chambers), before the Honourable Justice C. Richard Coughlan on May 16th, 2001

**DECISION:** September 24th, 2001

**SUBJECT:** Pleadings - Striking out Pleadings - Grounds - Failure to Disclose the Cause of Action

**SUMMARY:** The plaintiff was employed by the Metropolitan Regional Housing Authority and is a member of the International Union of Operating Engineers. He claims he was discriminated against on the basis of

race, colour and ancestry. He reported the offensive conduct to his supervisor, met with the General Manager of the Authority, filed a grievance, made a complaint to the Human Rights Commission and commenced action against the Authority, the Union and individual members of the Union.

**ISSUE:** Does the court have jurisdiction to deal with the plaintiff's claim?

**RESULT:** The court does not have jurisdiction to deal with the plaintiff's claim. The essential characteristic of the claim is discrimination. The Collective Agreement deals with discrimination and establishes a grievance procedure, with the matter going to an Arbitrator if the grievor is not satisfied with the result. The **Human Rights Act** also establishes a process to deal with claims of discrimination. The Collective Agreement and Human Rights processes met the test established in **Weber v. Ontario Hydro** (1995), 125 D.L.R. (4th) 583 (S.C.C.) and therefore the court lacks jurisdiction to deal with the claim.

Subsequent to hearing the application, the plaintiff's counsel applied to introduce evidence that the Human Rights Commission had discontinued the plaintiff's complaint. The application to introduce new evidence was dismissed.

The application strike out the statement of claim is allowed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS COVER SHEET.***