

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Heritage Trust of Nova Scotia v. Halifax (Regional Municipality),  
2007 NSSC 28

**Date:** 20070226

**Docket:** SH 265550

**Registry:** Halifax

**Between:**

Heritage Trust of Nova Scotia and Howard Epstein

Applicant

- and -

Halifax Regional Municipality

Respondent

- and -

United Gulf Developments Ltd.

Intervenor

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**Judge:** The Honourable Justice Suzanne M. Hood

**Heard:** December 6 and 7, 2006, in Halifax, Nova Scotia

**Subject:** Judicial review; municipal law; procedural fairness; standing.

**Summary:** Halifax Regional Council, after a public hearing, approved a development agreement to allow the construction of a building comprised of two towers on the former Texpark lands on Granville Street in downtown Halifax. The applicants seek to quash the decision.

**Issue:**

1. Standing of applicants to bring the application;
2. Procedural fairness of the public hearing:
  - a) provision of material prior to the hearing;
  - b) receipt of information from the developer after the close of the public hearing;

3. Fettering of Halifax Regional Council's discretion;
4. Did Halifax Regional Council err in its decision by considering irrelevant factors?

**Result:**

Applicants have standing; no procedural unfairness in conduct of public hearing; Council did not fetter its discretion or make its decision based on irrelevant factors.