

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Reynolds v. Spence, 2004 NSSC 233

Date: 20041117
Docket: SAM 226932
Registry: Amherst

Between:

Norma A. Reynolds

Appellant

v.

Darrell Spence, Mechfo Operations Inc & Troy Phinney

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Donald M. Hall

Heard: November 4, 2004, in Amherst, Nova Scotia.

Subject: Bias or reasonable apprehension of bias

Issue: Whether there was sufficient evidence of bias or a reasonable apprehension of bias to cause the court to lose jurisdiction or a denial of natural justice.

Summary: In a proceeding in the Small Claims Court of Nova Scotia the appellant's claim for compensation was dismissed. The day following the first evening over which the trial proceeded, one of the respondents asked the adjudicator's law firm to prepare a deed to an unrelated parcel of land. Upon becoming aware of the contact, the adjudicator had a paralegal inform the respondent that the firm could not act for him. Before continuing with the trial that evening the adjudicator informed the parties of the contact. All parties, including the respondent, indicated that they were satisfied that the adjudicator should continue. Upon receiving the

decision the appellant appealed on the ground that there was bias or a reasonable apprehension of bias on the part of the adjudicator.

Result:

Based on the principles enunciated in **R.D.S. v. The Queen** [1997] 3 S.C.R. 484, there was no basis for finding bias or a reasonable apprehension of bias. The appeal was dismissed.

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