

SUPREME COURT OF NOVA SCOTIA

Citation: Nova Scotia (Transportation and Infrastructure Renewal) v. Nova Scotia Government and General Employees Union, 2010 NSSC 15

Date: 20100121

Docket: Hfx. 316791

Registry: Halifax

Between:

Her Majesty the Queen in the Right of the Province of Nova Scotia, representing
the Department of Transportation and Infrastructure Renewal

Applicant

- and -

The Nova Scotia Government and General Employees Union and
William H. Kydd, Q.C.

Respondents

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Judge: The Honourable Justice David P.S. Farrar

Heard: November 25, 2009, in chambers, in Halifax, Nova Scotia

Subject: Administrative Law - Labor Law - Industrial Relations - Collective Agreement Interpretation / Judicial Review - Jurisdiction of Adjudicator - Standard of Review

Summary: The Applicant sought judicial review in the nature of *certiorari* quashing the decision of an adjudicator whereby the adjudicator found that he retained jurisdiction to decide issues that arose after the determination of the original grievance. The Applicant submitted that adjudicator did not have jurisdiction.

Issue: Did the adjudicator retain jurisdiction after the determination of the original grievance?

Result: The adjudicator did not retain jurisdiction. The application was allowed and an order in the nature of *certiorari* issued to quash the decision.

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