

SUPREME COURT OF NOVA SCOTIA

Citation: Inglis v. Nova Scotia Public Service
Long Term Disability Trust Fund, 2011 NSSC 36

Date: 20110202

Docket: Hfx 203247

Registry: Halifax

Between:

Robert D. Inglis

Plaintiff

v.

Trustees of the Nova Scotia Public Service
Long Term Disability Trust Fund

Defendant

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Judge: The Honourable Justice Glen G. McDougall

Heard: June 22, 23, 24, 25, 29, 30; August 17, 18, 19; September 14 and 15, 2009

Subject: Request for a declaration to reinstate disability benefits; damages; costs.

Summary: The plaintiff had been in receipt of long-term disability benefits. He suffered from chronic diabetes which prevented him from carrying out his duties as a plumber with the Province of Nova Scotia. His inability to work led eventually to depression. The plaintiff expressed a desire to return to work on a trial basis but medical treatment for carpal tunnel syndrome prevented it. Due to the elapse of time the plaintiff's employer terminated his employment. Eventually the LTD provider cut off his benefits saying he was no longer disabled within the meaning of the Plan.

Issue: Is the plaintiff no longer disabled as defined under the Disability Plan?

Result: The plaintiff was found to be disabled under his Disability Plan. A declaration was granted entitling the plaintiff to the benefits he had been denied with a reduction to account for a portion of damages paid to him for lost wages in a wrongful dismissal suit against his former employer

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