

SUPREME COURT OF NOVA SCOTIA

Citation: Ranni v. Halifax (Regional Municipality), 2011 NSSC 83

Date: 20110307
Docket: Hfx. No. 332069
Registry: Halifax

Between:

Donald Ranni

-and-

Halifax Regional Municipality and Nova Scotia Police Review Board

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Judge: The Honourable Justice Robert W. Wright

Heard: February 16, 2011 in Halifax, Nova Scotia

Written

Decision: March 7, 2011

Subject: Judicial Review - Nova Scotia Police Review Board - internal discipline decision.

Summary: While employed as a police officer with Halifax Regional Police, the applicant committed three disciplinary defaults over a one month period in late 2007, including a charge of impaired driving and creating a disturbance at his ex-girlfriend's residence. As a result, he was terminated from his employment as a police officer under the internal discipline process of HRP. The applicant then filed a notice of review (on penalty only) with the Nova Scotia Police Review Board which, after a full hearing *de novo*, affirmed the disposition of dismissal. In so doing, the Board further took into account the admission by the applicant that during the suspension of his driving privileges pursuant to his impaired driving conviction, he had operated his motor vehicle on a number of occasions. The applicant then sought judicial review of the Board's decision by this court, in his quest for reinstatement as a police officer.

Issue: Applying the standard of review of reasonableness, ought this court interfere with the Board's decision by setting it aside?

Held: Application for judicial review dismissed. The Board properly identified the test to be applied in determining whether the disposition of dismissal was the appropriate outcome. It was therefore reasonable and proper for the Board to take into account the evidence that the applicant had driven his motor vehicle while disqualified, even though that occurrence took place after his dismissal. The Board also paid considerable attention to the evidence of the applicant's sexual abuse as a child, which had only resurfaced in his memory while serving as a police officer and which was the underlying factor to his aberrant behaviour. The Board recognized this past history as a mitigating factor but concluded that the applicant's misconduct left it with no reasonable alternative but to affirm his dismissal.

It is not the function of the court to retry the case. Here, in applying the standard of review of reasonableness, the court found the decision of the Board to be intelligible, justified and transparent and that the disposition of dismissal was within the set of rational outcomes.

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