

SUPREME COURT OF NOVA SCOTIA

Citation: Specter v. Nova Scotia (Fisheries and Aquaculture), 2011 NSSC 266

Date: 20110630

Docket: Hfx. No. 350371

Registry: Halifax

Between:

Marian and Herschel Specter

Appellants

v.

Minister of Fisheries and Aquaculture, Kelly Cove Salmon Ltd.

Respondents

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Judge: The Honourable Justice Peter P. Rosinski

Heard: June 29, 2011 in Halifax, Nova Scotia

Written Decision: June 30, 2011

Subject: *Civil Procedure Rule 35.04* - Adding persons as Respondents or Intervenors in cases of statutory appeals

Summary: The Minister of Fisheries awarded Aquaculture licenses to Kelly Cove Salmon Ltd. Pursuant to s. 119 of the *Fisheries Coastal Resources Act (Nova Scotia)* Specter appealed the decision as an “aggrieved person”. Kelly Cove Salmon Ltd. sought to be added as a Respondent.

Issue: When should a person be considered as required to be added as a Respondent in statutory appeals pursuant to *Civil Procedure Rule 35.04(1)*? If adding a person as a Respondent is not mandatory, how should the exercise of discretion to add the person as a Respondent be exercised?

Result: *Civil Procedure Rule 35.04(1)* found to be applicable and

Kelly Cove Salmon Ltd. was required to be named as a Respondent in the appeal. Alternatively discretion exercised to include Kelly Cove Salmon Ltd. as a Respondent.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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