

SUPREME COURT OF NOVA SCOTIA

Citation: Burke v. Cape Breton (Regional Municipality), 2011 NSSC 457

Date: 20111212

Docket: Syd. No. 346500

Registry: Sydney

Between:

Warren Burke

Applicant

v.

Cape Breton Regional Municipality and Deputy Chief Brent Denny

Respondents

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Judge: The Honourable Justice Patrick J. Murray

Heard: June 20, 21, 22, 2011 in Sydney, Nova Scotia

Written Decision: December 12, 2011

Subject: Administrative/Employment Law

Summary: The Applicant applied for a Declaration that the Respondent's hiring procedures were performed contrary to a duty of procedural fairness. The Applicant applied for a position of firefighter with the Municipality. His assessment was interrupted due to an allegation of dishonesty. Subsequently the Municipality agreed to continue with the assessment and re-engage the hiring process.

Issue: Whether the Applicant was entitled to a Duty of Procedural Fairness? If not what other remedy may be available to him?

Result:

The Applicant was not entitled to a duty of Procedural Fairness, as the employer was acting as any other private employer would be in the hiring context. The Respondent's own policies gave rise to a duty of fairness to the Applicant, which duty had been met by the Respondent.

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