

SUPREME COURT OF NOVA SCOTIA

Citation: “AA” v. *Halifax Regional School Board*, 2013 NSSC 228

Date: 2013-07-12

Docket: HFX No. 408234

Registry: Halifax

Between:

“AA”

Applicant

v.

Halifax Regional School Board

Respondent

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Judge: The Honourable Justice Allan P. Boudreau

Heard: January 15, 2013 at Halifax, Nova Scotia

Written Decision: July 12, 2013

Subject: Administrative Law – Judicial Review

Standard of Review – Reasonableness

Issues:

- (1) What is the appropriate test/standard of review on this application; “correctness” or “reasonableness”?
- (2) If the appropriate test is correctness, did the Appeal Board correctly interpret and apply the law in the case?
- (3) If the appropriate test is reasonableness, is the Appeal Board’s decision one which is supportable and justifiable in the circumstances?

Summary: This is an application by AA, (“the applicant”) for Judicial Review of a decision of a one person (“William Kydd”) Board of Appeal (“Appeal Board”) appointed by the Minister of Education pursuant to the *Education Act* of Nova Scotia. The Halifax Regional School Board (“the School Board”)

terminated the applicant's employment for improper internet (e-mail) contact with one of his female students ("the student"). The applicant had undiagnosed bipolar II disorder at the time of the e-mails, but he was under treatment at the time of his termination. The Appeal Board upheld the School Board's decision to terminate the applicant's employment as a teacher. He now applies to this Court to quash the Appeal Board's decision and to remit the matter to another Board of Appeal.

Result: Found that the standard of review was one of reasonableness. Application to quash the Appeal Board's decision was dismissed.

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