

SUPREME COURT OF NOVA SCOTIA

Citation: *Rehberg v. Halifax Regional Municipality*, 2018 NSSC 142

Date: 2018-06-15

Docket: Hfx. No. 449688

Registry: Halifax

Between:

Roger Glengary Rehberg

Applicant

v.

Halifax Regional Municipality

Respondent

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Judge: The Honourable Justice Peter P. Rosinski

Heard: June 5, 2018, in Halifax, Nova Scotia

Subject: Judicial Review – “Dangerous or Unsightly” premises under HRM Charter – decision by Appeals Standing Committee

Summary: On March 12, 2015, the Committee determined that the residential home is “dangerous or unsightly”, yet permitted the homeowner four months to remedy the situation, otherwise demolition is authorized. On February 18, 2016, the Committee hears the homeowner’s request for reconsideration. A motion is put to authorize homeowner to achieve compliance within four months – motion is defeated. The homeowner files Notice of Judicial Review March 20, 2016.

Issues:

- (1) What is/are the proper standards of review?
- (2) Did the Committee turn its mind to a reconsideration of whether the premises on February 18, 2016 were still “dangerous or unsightly”?
- (3) If the Committee justifiably found the premises remained “dangerous or unsightly”, did it act justifiably in refusing a four-month extension to achieve compliance?

Result:

(1) On the citation and interpretation of the “dangerous or unsightly” provisions in the Halifax Charter, the Committee was held to a standard of correctness; regarding the application of the law to the facts the Committee was held to a standard of reasonableness; regarding the exercise of the committee’s discretion, the Committee was held to a standard of reasonableness;

(2) The Committee correctly cited and interpreted the relevant legislation;

(3) The decisions of the Committee in concluding that, the premises remained “dangerous or unsightly”, and alternatively, to refuse to extend the time for compliance by four months, were both unreasonable.

Matter remitted to the Committee for reconsideration.

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