

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Rogier, 2013 NSSC 440

**Date:** 20131002

**Docket:** Hfx 405502

**Registry:** Halifax

**Between:**

Francesca Rogier

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** October 1 & 2, 2013 in Halifax, Nova Scotia

**Oral Decision:** October 2, 2013

**Written Decision:** February 27, 2014

**Subject:** Appeal of conviction for breach of Halifax Municipal By-Law respecting dogs – motion to dismiss appeal for non-compliance with *CPR* 63.09 respecting filing deadlines / directions.

**Summary:** Rogier was convicted for her dog Brindi running at large contrary to the Municipal By-Law. She appealed but was very tardy in meeting deadlines. Consequently the Municipality sought to have her appeal dismissed for such failures to meet deadlines and adhere to directions from the Court.

**Issue:** What is the proper test to determine such issue under *CPR* 63.09? Should the appeal be dismissed?

**Result:** The test is the same as under *CPR* 90.43(a). The appeal was conditionally dismissed unless the Appellant satisfied the Court's directions by a date certain.

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