

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Carette, 2003 NSSC 202

Date: 20030815

Docket: SBW. 194898

Registry: Bridgewater

Between:

Her Majesty the Queen

Appellant

v.

Louis Joseph Francois Carette

Respondent

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Judge: The Honourable Justice C. Richard Coughlan

Heard: August 15, 2003 in Bridgewater

Decision: August 15, 2003 (Orally)

Subject: Summary Conviction Appeal

Summary: A stop work order was posted on the respondent's property pursuant to the *Building Code Act*. Before the respondent had notice of the order, a carpenter employed by him continued to work on the site. Once the respondent had notice of the order, he ordered the work to stop. Subsequently the respondent had the site boarded up.

Issue:

1. Whether the violation of the stop work order pursuant to the *Building Code Act* is a strict liability or absolute liability offence?
2. Was boarding up the site work necessary to make the site safe pursuant to s. 12(6)(b) of the *Act*?

Result: Appeal dismissed. The offence was a strict liability offence. In fact the respondent did not have notice of the stop work order and upon receiving notice stopped work. On the facts it was open to the trial judge to find the boarding up of the site was making the site safe pursuant to s. 12(6)(b) of the *Act*.

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