

IN THE SUPREME COURT OF NOVA SCOTIA

EVANGELINE COURTS HOUSING CO-OPERATIVE v. WILLIAM LAPOINTE

Justice Allan P. Boudreau

Kentville, Nova Scotia

S.K. No. 182859

LIBRARY HEADING

[Cite as: Evangeline Courts Housing Co-op v. Lapointe, 2002NSSC211]

HEARD: At Kentville, Nova Scotia, on September 3, 2002.

DECISION: Orally, September 3, 2002.
Written Release of Decision - September 10, 2002

SUBJECT: Administrative Law - Certiorari - Application to quash decision of Board of Directors of housing co-op evicting member.

ISSUES: Does the decision of the Board of Directors evicting a member trigger the appeal procedure provided by s. 29(2) of the **Co-operative Associations Act**.

SUMMARY: After a dispute over rental arrears, the Co-op's Board of Directors eventually obtained an order evicting Mr. Lapointe from his residence. The Board continued with the eviction procedure even though Mr. Lapointe attempted to pay the arrears which had been in dispute. Mr. Lapointe wanted to appeal the Board's decision to the general membership pursuant to s. 29(2) of the Co-op Act but the Board refused.

RESULT: Found the eviction of Mr. Lapointe was in effect excluding him from membership and that he had been denied his right to the procedure provided by s. 29(2) of the Co-op Act. Stayed the decision of the Board of Directors pending and subject to the completion of the appeal procedure provided in s. 29(2).

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