

IN THE SUPREME COURT OF NOVA SCOTIA
APM Landmark Inc. v. Halifax (Regional Municipality), 2005 NSSC 232

Date: 20050815
Docket: S.H. 247206
Registry: Halifax

Between:

APM LANDMARK INC.

Applicant

v.

HALIFAX REGIONAL MUNICIPALITY

Respondent

LIBRARY SHEET

Judge: The Honourable Justice Margaret J. Stewart

Heard: June 28, 2005 in Halifax, Nova Scotia

Decision: August 15, 2005.

Subject: **Building Code Act**, R.S.N.S., 1989, c. 46 National Building Code, 1995; N.S. Reg 209/03; Judicial Review

Issue: Standard of Review; Whether barrier-free path of travel must be provided to the raised and only office space to be occupied by Nova Scotia Liquor Commission.

Result:

Nova Scotia Building Advisory Committee's decision is correct and meets the highest standard of review; Given that Appendix "A" of NBC 1995 is deleted, as well as specific exemptions dealing with floor levels, NS Reg 209/03 is more stringent than NBC 1995 concerning office space and employees need to be accommodated; Office constituted a general work area under the Regulations; Conclusions about employability of disabled persons so as to find an office space not necessitating barrier-free access is not a determination for the Committee, given the clear wording of the Regulation. Appeal dismissed.

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