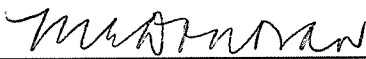




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Halifax Regional Council  
January 23, 2007

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
M.E. Donovan, Director of Legal Services

**DATE:** January 3, 2007

**SUBJECT:** **Human Rights Complaint - Location of Halifax Wastewater Treatment Facility**

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### INFORMATION REPORT

#### ORIGIN

On July 18, 2002, a human rights complaint was filed by the Central Halifax Community Association in respect of “the events leading up to the Council decision dated February 26, 2002, as well as the February 26, 2002 decision to site a sewage treatment plant on the HRM-owned site on the corner of Cornwallis and Barrington Streets give rise to this complaint”. A procedural issue related to the complaint is currently before the Court of Appeal for decision.

## **BACKGROUND**

On July 18, 2002, the Central Halifax Community Association (the “complainant”), filed a Human Rights Complaint against HRM’s siting of the Halifax Wastewater Treatment Facility. A response was filed with the Human Rights Commission on October 2, 2002. In November of 2003, the Complainant applied to amend the Complaint to add the Province of Nova Scotia as a respondent, which the Commission allowed.

In 2004, the Human Rights Commission completed an investigation and issued a second assessment report. On May 19, 2005, the Human Rights Commission’s dismissed the Complaint, in its entirety, against HRM and the Province of Nova Scotia. The Complainant requested a reconsideration of the Board’s ruling, which request was denied by the Board of Commissioners for the Human Rights Commission on September 15, 2005.

## **DISCUSSION**

In November 2005, the Complainant filed an application for judicial review of the Human Rights Commission’s decision to dismiss the complaint with the Supreme Court of Nova Scotia. The Human Rights Commission then brought a preliminary application before the Supreme Court on the basis that the Complainant’s application was filed outside of the time limits set out in the Civil Procedure Rules. In July 2006, the Supreme Court granted the application holding that the time had expired for a portion of the Complainant’s application. The Complainant subsequently appealed the decision to the Nova Scotia Court of Appeal.

The appeal was heard on December 7, 2006. The decision will likely be rendered within 60 days. It should be noted the appeal involves only procedural issues; however, there is the possibility that the decision may result in the conclusion of the matter. However, if the Complaint goes forward, the complainant’s original application to set aside the Human Rights Commissioners’ decision will likely be considered by the Supreme Court sometime in 2007.

## **BUDGET IMPLICATIONS**

This matter has been handled by external counsel. Fees have been paid by the Harbour Solutions Project to date in the amount of \$68,658, with another \$11,000 billed for a total of \$78,658, only a portion of which is potentially recoverable in a costs award.


## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : M.E.Donovan, Director, Legal Services, 490-4226

Report Approved by:



Ted Tam, Project Manager, Harbour Solutions Project 490-6130