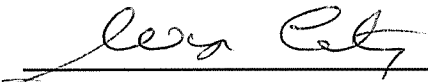




PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
April 26, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Wayne Anstey, Q.C., Municipal Solicitor

DATE: April 26, 2005

SUBJECT: **Solid Waste Association of Nova Scotia (SWANS) vs.**
Halifax Regional Municipality

ORIGIN

Court proceedings initiated by SWANS in 2002 to challenge the validity of By-law S-602, a by-law prohibiting the exportation of solid waste outside the boundaries of HRM.

BACKGROUND/DISCUSSION

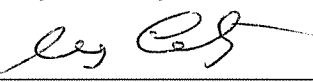
Before any hearing on the merits of the claim, HRM applied in February, 2005 to strike out the proceeding on the basis that SWANS lacked standing to challenge the by-law. In a decision released Friday, April 22nd, the Supreme Court accepted HRM's argument and dismissed SWANS' application. The Court ruled that there are other more effective means to challenge the by-law in the Courts. For example, the issue could be raised as a defence to a prosecution brought against an offending waste hauler or an application for an injunction sought by HRM.

The decision of the Supreme Court is subject to appeal within 30 days of the order in respect of the decision. It is expected that the order will be taken out this week.

By-Law S-602 was adopted to enable HRM to be good stewards of our own waste resources. Compliance with the by-law will continue to play an important part in fulfilling HRM's mandate under the MGA to provide environmentally responsible and cost-effective waste resource services in HRM.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Wayne Anstey, Director, Legal Services

Report Approved by: 
Wayne Anstey, Director, Legal Services 490-4229
