

CASE NO.

VOL. NO.

PAGE

MARSHALL LEWIS

- and -

NORTH WEST COMMUNITY
COUNCIL OF HALIFAX
REGIONAL MUNICIPALITY

(Appellant)

(Respondent)

CA 166476

Halifax, N.S.

CROMWELL, J.A.

Cite as: Lewis v. Halifax (Regional Municipality) North West Community Council, 2001 NSCA 98

APPEAL HEARD:

May 18, 2001

JUDGMENT DELIVERED:

June 15, 2001

SUBJECT: Municipal Law — Rezoning — Appeal to Utility and Review Board

SUMMARY: The appellant unsuccessfully sought a rezoning from the municipal council and appealed to the URB. The Board dismissed his appeal holding that Council had no authority to grant the proposed zoning change because there was no policy in the Municipal Planning Strategy which specifically authorized it. The appellant appealed to the Court of Appeal.

ISSUE: Did the Board commit reversible error in reaching its conclusion?

RESULT: Appeal allowed. Council has the authority under the **Municipal Government Act**, S.N.S. 1998, c. 18 to amend the zoning by-law provided the amendment carries out the intent of the MPS. The fact that there is no specific policy relating to the rezoning in the MPS does not remove from Council the discretion to rezone the subject property provided the rezoning carries out the intent of the MPS.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.</p>
