

NOVA SCOTIA COURT OF APPEAL

**Citation: Guild Contracting Specialties (2005) Inc. v. Nova Scotia
(Occupational Health and Safety Appeal Panel), 2012 NSCA 94**

Date: 20120906

Docket: CA368539

Registry: Halifax

Between:

Guild Contracting Specialties (2005) Inc.

Appellant

v.

Occupational Health and Safety Appeal Panel Nova Scotia,
The Attorney General of Nova Scotia and
Director, Occupational Health and Safety Division

Respondents

Judge: The Honourable Justice David P.S. Farrar

Appeal Heard: May 10, 2012

Subject: **Occupational Health and Safety Administrative Penalties.
Reasonableness of Decision.**

Summary: Guild Contracting Specialties (2005) Inc. was issued an Administrative Penalty for an alleged violation of the **Occupational Health and Safety Act**, R.S.N.S. 1996 c. 7, for failure to have an eye wash unit on a construction site where controlled products were being used. Guild appealed the Administrative Penalty to an Occupational Health and Safety Appeal Panel. The Panel upheld the Administrative Penalty

and in doing so it limited the issue on appeal to whether the amount of the Administrative Penalty was appropriate. Guild appealed the decision to this Court.

Issue: Although Guild raised a number of issues on appeal, it was only necessary to address the issue of whether the Appeal Panel erred in limiting the appeal to the amount of the Administrative Penalty.

Result: Appeal allowed. It could not be determined by review of the record and the statutory provisions why the Appeal Panel would limit its consideration to the amount of the Administrative Penalty. Its decision did not fall within the realm of any reasonable outcome. The matter was remitted for rehearing.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 15 pages.