

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Williams Lake Conservation v. Chebucto Community Council*, 2004 NSCA 79

**Date:** 20040611  
**Docket:** CA 213652  
**Registry:** Halifax

**Between:**

Williams Lake Conservation Company, a body corporate pursuant to the *Companies Act* of Nova Scotia

Appellant

v.

Chebucto Community Council of Halifax Regional Municipality, a municipal corporate body pursuant to the *Municipal Government Act* of the Province of Nova Scotia

and

Respondent

Kimberly-Lloyd Developments Ltd., a corporate body pursuant to the laws of the Province of Nova Scotia

Interested Party

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**Judge:** Oland, J.A.

**Appeal Heard:** May 18, 2004

**Subject:** **Planning law. Reasonable apprehension of bias. Procedural fairness.**

**Summary:** After the Community Council approved a re-zoning application, the appellant applied for an order in the nature of *certiorari* to quash that decision. The Chambers judge denied its application. In its appeal, the appellant alleged reasonable apprehension of bias. After the public information closed but before its vote on the

re-zoning application, the Community Council considered a supplementary report which it had asked planning staff to prepare. The appellant also argued that the Chambers judge had erred in law in not determining that the public should have had an opportunity to respond to that supplementary report before Community Council voted on the re-zoning.

**Result:**

Appeal dismissed with costs. A reasonable and informed person, viewing the matter realistically and practically, and having thought the matter through, would not conclude that there was a reasonable apprehension of bias. When read in context, a factual error and comments in the decision do not give rise to such an apprehension. An opportunity to respond to material prepared by staff and considered by the Community Council should be provided where that material contains new information relevant to the municipal planning strategy or was put forward by a proponent or opponent advocating for a particular result. This was not the situation in this case. No wrong principle of law had been applied, nor would a patent injustice result.

**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 18 pages.**