

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Scott Milligan, 2004 NSPC42

Date: 20040726

Docket: 1260474

Registry: Kentville

Between:

Her Majesty the Queen

v.

Scott Milligan

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Judge: The Honourable Judge Alan T. Tufts

Heard: October 22-23, 2003 and January 7, 2004
and March 4, 2004 at Kentville, Nova Scotia

Oral Decision: July 26, 2004

Subject: **Environment Act of Nova Scotia**
Sentencing - quantum

Summary: **Defendant was convicted under s. 50(2) of the Environment Act of Nova Scotia for removal of approximately 10 hectares of topsoil without approval in a residential area. The topsoil was sold for a price of \$ 43,000.00.**

Issue: **Quantum of the fine to be imposed on conviction;**

Result: **Court rejects Crown's submission that amount realized is determinative and rejects Crown's request for a fine in the range of \$80-100,00.00.**
Court relies on factors outlined in R. v. United Keno Hill Mines Ltd.
Whether approval could have been granted found to

be relevant to determine what, if any, environmental harm was occasioned. Court imposes fine and surcharge totalling \$ 9,775.00 after review of principles and issues

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***