

SUPREME COURT OF NOVA SCOTIA

Citation: *Delorey v. Strait Regional School Board*, 2012 NSSC 450

Date: 20121231

Docket: SPH No. 390139

Registry: Port Hawkesbury, N.S.

Between:

Denise Ruth Delorey, Jamie Dean Samson,
Geraldine Ann Samson and Raylene McPhee

Applicants

v.

Strait Regional School Board

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Patrick J. Murray

Heard: August 23, 2012 in Port Hawkesbury, Nova Scotia

Written Decision: December 31, 2012

Subject: Administrative Law- Judicial Review of School Closures

Summary: The Strait Regional School Board closed two (2) schools in March of 2012. The Applicants, who were parents of children attending, requested that the decisions be reviewed by the Court, alleging that the Education Act and Regulations were violated and that the Board had breached its duty of procedural fairness.

Issues: What is the appropriate standard of review? Whether there was a breach of the Regulations? Whether the Regulations were mandatory or directory in nature? Did the Applicants have a legitimate expectation that certain procedures would be followed and if not, was there a violation of that expectation? Were the Applicants denied procedural fairness?

Result: Court finding in favour of Board on basis that decision was reasonable, and Applicants were given full and fair opportunity to be heard. School Boards, failing a serious breach, should decide how best to manage their resources in accordance with their mandate. Amended Regulations found to be directory in nature. Claim that the Board violated legitimate expectation was without merit. Community consultation was extensive and not procedurally unfair.

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