

IN THE SUPREME COURT OF NOVA SCOTIA

Cite as: **Construction and Allied Union, Local 154 v. Nova Scotia (Labour Relations Board Construction Industry Panel), 2002 NSSC 2**

CONSTRUCTION AND ALLIED UNION (CLAC), LOCAL 154 affiliated with THE CHRISTIAN LABOUR ASSOCIATION OF CANADA and THE CHRISTIAN LABOUR ASSOCIATION OF CANADA  
APPLICANTS

- and -

LABOUR RELATIONS BOARD (NOVA SCOTIA) CONSTRUCTION INDUSTRY PANEL  
RESPONDENT

- and -

360 CAYER LTEE  
RESPONDENT

- and -

CONSTRUCTION MANAGEMENT BUREAU LIMITED  
INTERVENOR

- and -

MAINLAND BUILDING AND CONSTRUCTION TRADES COUNCIL  
INTERVENOR

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**HEARD:** Before the Honourable Justice Suzanne Hood at Halifax, Nova Scotia on July 26, 2001

**DECISION:** January 3, 2002

**SUBJECT:** Judicial Review

**SUMMARY:** The Construction Industry Panel established pursuant to Part II of the *Trade Union Act*, R.S.N.S. 1989, c. 475 rendered a decision on an application for certification. The panel concluded that the applicant for certification was not a trade union within the meaning of s. 92(i) of the *Trade Union Act*. The applicant seeks to quash the decision of the panel.

**ISSUES:**

1. The standard of judicial review;
2. Applying the appropriate standard of review, should the decision of the Construction Industry Panel be quashed.

**RESULT:** Applying the *Bibeault* criteria, patent unreasonableness, not reasonableness *simpliciter*, is the standard of review. Decision not patently unreasonable.

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