

Boyd v. City of YK et al, 2004 NWTSC 57 S-1-CV-2004000247

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Planning Act, R.S.N.W.T. 1988,
Chapter P-7:

AND IN THE MATTER OF the decision of the Development
Appeal Board of the City of Yellowknife dated June 17, 2004;

B E T W E E N:

ADRIAN BOYD

Appellant

- and -

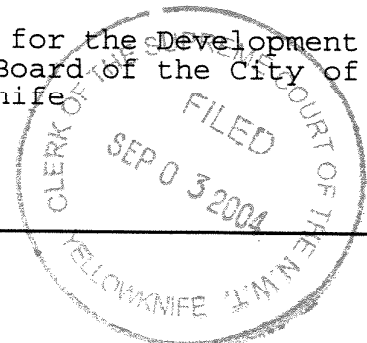
THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE
and HOMES NORTH LTD.

Respondents

Transcript of Ruling by The Honourable Justice A. Lutz, at
Yellowknife, in the Northwest Territories, on August 20th,
A.D. 2004.

APPEARANCES:

Mr. C.F. McGee:	Counsel for the Appellant
Ms. S.M. MacPherson:	Counsel for the Respondent City of Yellowknife
Mr. A. Denroche:	Counsel for the Respondent Homes North Ltd.
Mr. G.D. Tait:	Counsel for the Development Appeal Board of the City of Yellowknife



1 THE COURT: I agree there was a certain
2 innocence around the Development Appeal Board, and it
3 exists, I suppose, because members of the board are not
4 experts. But it is not, as counsel have said, a case
5 where it was scandalous or outrageous conduct.

6 As Madam Justice McLachlin, as she then was, spoke
7 of in a decision, referenced in the Foliot decision
8 that counsel have provided, there is no intent here to
9 mark the Court's disapproval of the conduct of the
10 parties to the litigation. I think they misunderstood
11 their role, misunderstood the parameters of the
12 process.

13 It is, of course, however, public interest
14 litigation, because I suspect that from now on there
15 will be, perhaps, a little more attention paid to what
16 impression is conveyed at these meetings and so that
17 the process itself, which seems to be not that
18 complicated, will be imparted to the public and so the
19 public will know, because the Appellant here was driven
20 to do something when he should not have been.

21 So, on the one hand, it may be said that he was
22 premature, he wouldn't know that from the impression
23 that was left at this meeting on the 16th of June in
24 comments made by people who are responsible in the
25 City.

26 As a result, the Appellant is entitled to be
27 rewarded for his costs, and the costs that he will get

1 will be \$7,000, together with all reasonable
2 disbursements, GST and any other matters that are
3 properly claimable as one would claim if it were a
4 party and party costs matter.

5 Is there anything further?

6 MS. MacPHERSON: No, sir.

7 MR. McGEE: No, sir. Thank you.

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9 Certified to be a true and accurate
10 transcript pursuant to Rules 723
and 724 of the Supreme Court Rules.

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Jill MacDonald, CSR(A), RPR
Court Reporter

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