

NOVA SCOTIA COURT OF APPEAL

Citation: *Kelly v. Nova Scotia Board of Inquiry under the Human Rights Act*,
2018 NSCA 48

Date: 20180611

Docket: CA 471805

Registry: Halifax

Between:

Pearl Kelly

Appellant

v.

Nova Scotia Board of Inquiry under the *Human Rights Act*, the
Nova Scotia Human Rights Commission, the Nova Scotia Liquor Corporation and
the Attorney General of Nova Scotia

Respondents

Judges: Farrar, Bryson and Bourgeois, JJ.A.

Appeal Heard: June 11, 2018, in Halifax, Nova Scotia

Written Release June 13, 2018

Held: Appeal dismissed without costs per oral reasons for judgment
of Farrar, J.A.; Bryson and Bourgeois, JJ.A. concurring.

Counsel: Julie MacPhee and Kyle Power, for the appellant
Jason Cooke, for the respondent Nova Scotia Human Rights
Commission
Bradley Proctor and Michael Murphy, for the respondent
Nova Scotia Liquor Corporation
Lynn M. Connors, Q.C., for the respondent Nova Scotia
Board of Inquiry (not participating)
Edward A. Gores, Q.C., for the respondent Attorney General
of Nova Scotia (not participating)

Reasons for judgment: (Orally)

[1] We are unanimously of the view that the appeal should be dismissed. We agree that the analysis and conclusions of the Chair of the Board of Inquiry are correct and it is not necessary to elaborate further or to address the standard of review. By saying this we are not suggesting that the standard of review is correctness. We just need not decide it on this appeal.

[2] Although all parties have requested costs of this hearing, we see no reason to depart from the normal practice of this Court of not awarding costs on a tribunal appeal.

[3] The appeal is dismissed without costs. An order will issue accordingly.

Farrar, J.A.

Concurred in:

Bryson, J.A.

Bourgeois, J.A.