

IN THE MATTER OF: The Nova Scotia *Human Rights Act* (the “Act”)

- and -

IN THE MATTER OF: Board File No. H14-0418

BETWEEN:

**Beth MacLean, Sheila Livingstone,
Joseph Delaney and Disability Rights
Coalition**

(Complainants)

- and -

Province of Nova Scotia
(Respondent)

- and -

The Nova Scotia Human Rights Commission
(NSHRC)

Decision of the Board of Inquiry on Adjournment

The Province submits that I should direct an adjournment of the hearing of this proceeding now scheduled to begin on September 19th, 2016 because the Province has appealed my decision not to recuse myself from it. The Complainants, on the other hand, submit that I should not take it upon myself to decide whether to adjourn or not. The Complainants submit rather that I should leave it to an appeal justice in Chambers to make a decision whether to grant a stay pending the resolution of the appeal. The Complainants argue that an appeal justice will be better able to tailor the adjournment to the circumstances.

In my view, Appeal Court direction may best lead, in the words of Rule 1.01, to the “just, speedy and inexpensive determination” of this proceeding. It occurs to me, for example, that the Appeal Court might deal with the recusal appeal on an urgent basis before October 24th, a date on which we had already agreed to reconvene after a break of several weeks either before me or another Board as the Court rules. If I agree to simply adjourn without day as the Province requests, then the effect may be to deny the Appeal Court the ability

to expedite the hearing of the complaint and it may be months before new dates are even set.

- 2 -

I defer to the Appeal Court by adjourning the motion for an adjournment. If directed, or circumstances require, then I may yet hear further argument and make a ruling.

Dated at Halifax, Nova Scotia this 22nd day of August, 2016.

J. Walter Thompson, Q.C.
Board of Inquiry