

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE HALIFAX REGIONAL MUNICIPALITY CHARTER

-and-

IN THE MATTER OF REQUESTS FOR INTERVENOR STATUS BY CRYSTAL MULDER and LUCASVILLE COMMUNITY ASSOCIATION IN AN APPEAL by LOON LAKE DEVELOPMENTS LIMITED and JENNIFER TSANG, SUNROSE LAND USE CONSULTING from a decision of Harbour East-Marine Community Council refusing an application for a development agreement permitting Shared Housing with Special Care use on land located off Montague Road, Lake Loon, Nova Scotia (PID: 00624668)

BEFORE: M. Kathleen McManus, K.C., Ph.D., Member

APPELLANTS: **LOON LAKE DEVELOPMENTS LIMITED** and
JENNIFER TSANG, SUNROSE LAND USE CONSULTING
Robert G. Grant, K.C.
Alida J. Doelle, Counsel

RESPONDENT: **HALIFAX REGIONAL MUNICIPALITY**
Kelsey Nearing, Counsel

**PROPOSED
INTERVENORS:** **CRYSTAL D. MULDER**
On her own behalf

LUCASVILLE COMMUNITY ASSOCIATION
Devon Parsons

HEARING DATE: October 2, 2026

FINAL EVIDENCE: October 13, 2026

DECISION DATE: **October 20, 2026**

DECISION: Request by Crystal D. Mulder for formal standing is allowed. Request by Lucasville Community Association for formal standing is denied.

I SUMMARY

[1] Crystal D. Mulder and Lucasville Community Association requested intervenor status in an appeal by Loon Lake Developments Limited and Jennifer Tsang, Sunrose Land Use Consulting (Appellants), from a decision of the Harbour East-Marine Drive Community Council refusing a development agreement to build Shared Housing with Special Care use on land located off Montague Road, Lake Loon, Nova Scotia (PID: 00624668). The Appellants opposed the requests for standing by Ms. Mulder and Lucasville Community Association. The Harbour East-Marine Drive Community Council took no position on Ms. Mulder's request and opposed the request of the Lucasville Community Association.

[2] The preliminary issue before the Board is whether Ms. Mulder and/or Lucasville Community Association should have formal standing to participate as intervenors in this appeal. The Board must decide whether Ms. Mulder and/or Lucasville Community Association is an "aggrieved person", as that term is defined in s. 209(aa) of the *Halifax Regional Municipality Charter*, or as interpreted in common law. The burden of proof is upon Ms. Mulder and Lucasville Community Association to show, on a balance of probabilities, that the Board should grant each of them formal standing.

[3] Ms. Mulder confirmed that her residence is within 500 feet of the proposed development and is adjacent to it. Ms. Mulder expressed concerns that her enjoyment of her property, where she has lived for over 50 years, will be negatively impacted because of loss of privacy, increased traffic and noise, particularly because the driveway connecting the development to Montague Road will be built next to her property. Ms. Mulder also raised concerns that the proposed development of six-storeys was not in

keeping with the surrounding single-dwelling homes. Further, there would be impacts on her property when necessary sewer and water services for the development are installed.

[4] Lucasville Community Association is an incorporated, not for profit, community-based organization representing Lucasville, a historic African Nova Scotian community within Halifax Regional Municipality. The Lucasville Community Association says that its mission is to strengthen and enrich the Lucasville Community by preserving its cultural and historical identity, supporting the safety and well-being of its residents, and providing input to all levels of government on issues that affect the community. It says that it also supports and advocates alongside other historic African Nova Scotian communities where planning and development decisions may have broader implications on their collective communities, including the protection of the historic character and ensuring archaeological assessments be undertaken for unmarked burial grounds, or other archaeological resources, before development is approved.

[5] The Lucasville Community Association confirmed that Lucasville and Cherry Brook/Lake Loon are distinct geographic communities and that Lucasville is approximately a 30-minute drive from the proposed development. The Lucasville Community Association stated that it does not claim that the Montague Road development will directly affect property values or the reasonable enjoyment of property in Lucasville.

[6] Having reviewed the facts and submissions of Ms. Mulder and the Appellants, the Board finds that Ms. Mulder has a *bona fide* belief that the proposed development will negatively impact the reasonable enjoyment or value of her property. The Board also finds that Ms. Mulder's concerns demonstrate her reasonable belief that

there may be a unique and personal impact on the value or reasonable enjoyment of her property, or as required in the common law, that the proposed development will cause or threaten a “form of harm prejudicial to [her] interests”. The Board concludes that Ms. Mulder is an “aggrieved person” under s. 209(aa)(i) of the *Halifax Regional Municipality Charter*. Her request for formal standing as an intervenor is granted.

[7] Having reviewed the facts and submissions of the Lucasville Community Association, the Appellants, and Harbour East-Marine Drive Community Council, the Board finds that the Lucasville Community Association is not an “aggrieved person” under s. 209(aa)(ii) of the *Halifax Regional Municipality Charter*. The Board further finds that the Lucasville Community Association did not establish that it met the common law test to intervene because it did not demonstrate a *bona fide* belief that the proposed development will cause or threaten a “form of harm prejudicial to its interests”. Accordingly, its request for formal standing as an intervenor is denied.

II INTRODUCTION

[8] Ms. Mulder and Lucasville Community Association requested intervenor status in an appeal by Loon Lake Developments Limited and Jennifer Tsang, Sunrose Land Use Consulting, from a decision of Harbour East-Marine Drive Community Council refusing a development agreement to build Shared Housing with Special Care use on land located off Montague Road, Lake Loon, Nova Scotia.

[9] The appeal is made under s. 262(2) of the *Halifax Regional Municipality Charter*, SNS 2008, c 39 (*HRM Charter*). Ultimately, the Board must determine in this appeal whether the Harbour East-Marine Drive Community Council's refusal to approve

the agreement reasonably carries out the intent of the Cole Harbour/Westphal Municipal Planning Strategy and the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Municipal Planning Strategy. However, the issue before the Board at this point is whether Ms. Mulder and/or Lucasville Community Association should have formal standing to participate as an intervenor in this appeal.

[10] The *HRM Charter* establishes a tight timeline for the efficient conduct of planning appeals. On August 26, 2026, Loon Lake Developments Limited and Jennifer Tsang, Sunrose Land Use Consulting, filed an appeal of Council's decision with the Nova Scotia Regulatory and Appeals Board (Board). The Board convened a conference call with legal counsel for the Appellants and Halifax Regional Municipality (HRM) on September 12, 2026, to set a hearing date and to establish a timeline for the pre-hearing disclosure of evidence. Further, following its normal practice in planning appeals, the Board directed the Appellants to serve a copy of the Notice of Public Hearing on all assessed owners of land within 500 feet of the property that is subject to the appeal. The Board also arranged for the Notice of Public Hearing to be published in the Chronicle Herald.

[11] On September 25, 2026, Ms. Mulder sent a letter to the Board requesting intervenor status.

[12] Also on September 25, 2026, Devon Parsons, Secretary of the Lucasville Community Association, sent a letter to the Board requesting intervenor status for the Lucasville Community Association.

[13] By letter dated September 29, 2026, the Appellants opposed both Ms. Mulder's and the Lucasville Community Association's requests for formal intervenor status.

[14] The Board held a preliminary hearing on this issue by telephone on October 2, 2026. The Appellants were represented by Robert G. Grant, K.C. and Alida Doelle, while Harbour East-Marine Drive Community Council was represented by its counsel, Kelsey Nearing. Ms. Mulder appeared on her own behalf and Devon Parsons acted on behalf of the Lucasville Community Association. At the hearing, Ms. Mulder and the Lucasville Community Association asked the Board to permit filing post-hearing written submissions about how they each met the definition of "aggrieved person". The Board granted this request and set dates for filing of post-hearing written submissions by Ms. Mulder, the Lucasville Community Association, the Appellants and HRM. Post-hearing written submissions were filed by Ms. Mulder, the Lucasville Community Association and the Appellants. HRM did not file any post-hearing submissions. The Lucasville Community Association also filed a reply post-hearing submission.

[15] A Planning Staff report dated May 22, 2026, filed as part of HRM's Appeal Record, described the proposal as an application for a development agreement to permit a Shared Housing with Special Care use on lands located off Montague Road, Lake Loon. The new development consists of a six-storey, 125 residential unit development in the form of a multiple-unit dwelling including proposed indoor care services dedicated to residents and common outdoor amenity space. A separate single-unit dwelling is proposed to be located off a new private driveway. The proposed development is located within an African Nova Scotian community.

III ISSUE

[16] The Board must decide whether Ms. Mulder and the Lucasville Community Association are each an “aggrieved person”, as that term is defined in s. 209(aa) (i) for Ms. Mulder and s. 209(aa)(ii), for the Lucasville Community Association, of the *HRM Charter*, or otherwise qualify for standing as interpreted in the common law. The burden of proof is upon those seeking intervenor status to show, on the balance of probabilities, that the Board should grant them formal standing.

IV LAW AND ANALYSIS

[17] The Board set out the test to be applied in considering intervenor requests in planning appeals in *Northern Construction Enterprises Inc. v Halifax Regional Municipality*, 2012 NSUARB 149, affirmed on appeal, without discussion on this issue, 2015 NSCA 43:

[18] The *Northern Construction* principles for considering intervenor requests in planning appeals are as follows:

[78] The burden of proof is on the proposed Intervenor to establish that they should be granted status to intervene in the appeal and thus participate in the hearing on the merits. This they must do on the civil burden, i.e., the balance of probabilities.

[79] Section 209(a) of the *HRMC* sets out the definition of “aggrieved person”, as does s. 191 of the *MGA*. Aggrieved persons may appeal certain decisions, but under s. 262(3) of the *HRMC*, the only person who can appeal a refusal by a development officer to grant a development permit is the applicant (in this case, Northern). The right of an appeal of an “aggrieved person” pertains to a decision of council only.

[80] As stated by the Board in an earlier decision in this appeal [2012 NSUARB 105] on the issue of extending the area for notice:

[27] In the absence of case law, or legislative guidance, on the subject, the Board finds that the policy underlying the 500 foot rule embodies a simple idea: it is a good thing to ensure people are aware of land use disputes occurring close to properties they own. This policy doesn't say that such people are automatically entitled to participate as parties in an appeal before the Board, but merely says that they are to receive notice. [Emphasis in original]

[81] Rule 25(2) of the Board's *MGA Rules* provides that Notice of Public Hearing be shed "... advising that any aggrieved person has the right to intervene and participate in the public hearing". The Board finds that such a statement, just as the giving of notice to persons within a prescribed area, does not mean that any member of the public has the right to intervene. The person must be aggrieved.

[82] In the absence of any definition of aggrieved person in the *MGA Rules*, the Board considers that it ought to take guidance from the definition in the applicable statute, which in this case is s. 209(a) of the *HRMC*, which provides:

209 In this Part and Part IX, unless the context otherwise requires

(a) "aggrieved person" includes

(i) an individual who bona fide believes the decision of the Council will adversely affect the value, or reasonable enjoyment, of the person's property or the reasonable enjoyment of property occupied by the person,

(ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the Council's decision, or features, structures or sites of the community affected by the Council's decision, having significant cultural, architectural or recreational value, and

(iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i).

[83] This section, and the parallel provision of the *MGA*, has been considered by the Board in many previous cases. (See, for example, *Federation of Nova Scotian Heritage v. Peninsula Community Council*, [2004] NSUARB 108; *Re Heartland Resources Inc.*, [2005] NSUARB 39; *Re D & M Lightfoot Farms Ltd.*, [2005] NSUARB 117; *Re Becker*, [2009] NSUARB 59; and *Re Eco Awareness Society*, [2010] NSUARB 102). Rather than undertake an extensive review of the case law here, the Board has drawn several principles from the cases, i.e., the definition is not exhaustive; there must be an objective aspect to the *bona fide* belief; the belief should not be speculative; distance is not a determinative factor; each case must be determined on its facts; the burden is on the person claiming to be aggrieved; and, the Board may look to the common law test, as articulated by the Supreme Court of Canada in *Friedmann*, requiring the person to "...genuinely suffer, or [be] seriously threatened with, any form of harm prejudicial to his interests whether or not a legal right is called into question". [Emphasis added]

[19] Section 6 of the *Utility and Review Board Regulations*, NS Reg 270/92 (*UARB Regulations*), provides that "interested persons" may participate in Board proceedings if they have a "real and substantial interest" in the subject matter.

[20] In the present case, the Board is reviewing whether the proposed intervenors are "aggrieved persons" within the statutory scheme of the *HRM Charter* as defined in s. 209(aa):

Interpretation

209 In this Part and Part IX, unless the context otherwise requires

...

(aa) “aggrieved person” includes:

(i) an individual who *bona fide* believes the decision of the Council will adversely affect the value, or reasonable enjoyment, of the person’s property or the reasonable enjoyment of property occupied by the person,

(ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the council’s decision, or features, structures or sites of the community affected by the council’s decision, having significant cultural, architectural or recreational value, and

(iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i).

[21] In assessing whether someone has a real and substantial interest, the Board considers that the principles enumerated in *Northern Construction* are to be applied, including the definition of “aggrieved person” and the common law test in *British Columbia Development Corp. v Friedmann (Ombudsman)*, [1984] 2 SCR 447.

[22] In many past cases, the Board has referred to the Supreme Court of Canada decision in *Friedmann* (e.g., *Re Taylor*, 2015 NSUARB 82; *Re Lunenburg Heritage Society*, 2010 NSUARB 224; and *Re Johanson*, 2010 NSUARB 123). In *Friedmann*, Justice Dickson said, on behalf of the court, “a party is aggrieved or may be aggrieved when he genuinely suffers, or is seriously threatened with, any form of harm prejudicial to his interest, whether or not a legal right is called into question” (para. 68).

Crystal D. Mulder

[23] Ms. Mulder seeks to have individual standing as an intervenor in this appeal. The Board finds that only s. 209(aa)(i) of the *HRM Charter* is relevant to her request.

[24] As set out in the definition of “aggrieved person” in the *HRM Charter*, it is an explicit requirement for affected rights under s. 209(aa)(i) that a proposed intervenor’s belief that a decision of council will adversely affect their interests must be *bona fide*. This

requirement also applies to the Board's consideration of affected interests under the common law as well (*Re Brison*, 2006 NSUARB 113, para. 59). The Board has also held that the impact on an aggrieved party must be distinct from that of the general public (*Re Ollive Properties Ltd.*, 2012 NSUARB 186, para. 153).

[25] The adverse effects of a council decision mentioned in s. 209(aa)(i) of the *HRM Charter* are rooted in the ownership and use of real property. In *Federation of Nova Scotian Heritage v Peninsula Community Council*, 2004 NSUARB 108, the Board held that s. 191(a)(i) (the predecessor to s. 209(aa)(ii)) referred to "real property and not to intellectual or personal property" (para. 55).

[26] In *Re Taylor*, 2015 NSUARB 82, the Board stated, "... It is the objective belief which the Board must examine. This does not require expert evidence, in the view of the Board. It does require the Board to find that an appellant has, in relation to the proposed development or zoning amendment a 'unique status' (*Richardson v Wolfville*, *supra*), a 'particular link' (*Northern Construction Enterprises Inc.*, 2012 NSUARB 149), or an 'intrinsic relationship' (*Re Ollive Properties Ltd.*, 2012 NSUARB 186)" (para. 41).

[27] Ms. Mulder testified that she lives within 500 feet of the proposed development and that her property is adjacent to the proposed development. She stated that she has lived in her property for over 50 years. She said that the proposed development was occurring in an African Nova Scotian community which has existed since the 1780s and she is part of a multi-generational family in this African Nova Scotian community. She testified that the proposed development would have a negative impact on the enjoyment of her property. She stated that she would lose the enjoyment of her patio, including her privacy, because of the proposed six-storey building. She said that

the proposed development did not fit the nature and design of her community of single-dwelling homes and that it would destroy the features of this historic African Nova Scotian community. She stated that she lives on a well and does not want to be forced onto HRM water and sewer systems because of this proposed development. She also stated that as part of the proposed development there will be a driveway connecting the development to Montague Road on the land next to her property. She has concerns about increased traffic and noise on the proposed driveway next to her property stating it would likely interfere with the enjoyment of her property. Finally, Ms. Mulder testified that she knows there are unmarked graves in the area where the proposed development would occur.

[28] The Appellants submit that Ms. Mulder's request for formal standing should be denied. The Appellants submit that she has failed to meet her burden of proof to establish that she meets the criteria of an aggrieved person under s. 209(aa)(i) of the *HRM Charter* or the common law test to intervene. The Appellants request, in the alternative, that if the Board grants Ms. Mulder standing to intervene that the scope of such intervention be limited to addressing whether the proposed development is reasonably consistent with the intent of the Municipal Planning Strategy.

[29] HRM states it is not taking a position on Ms. Mulder's request.

[30] The Board finds that there is an objective basis to support that Ms. Mulder has a *bona fide* belief that, if the decision of Council rejecting the proposed development is overturned, the enjoyment of her property, which is adjacent to the proposed six-storey development, could be negatively impacted by loss of privacy and increased traffic and noise. The Board further finds that Ms. Mulder has a real and substantial interest in this appeal as a property owner who could be negatively impacted if the refusal of the

development agreement is overturned by this appeal. Accordingly, the Board finds that Ms. Mulder is an “aggrieved person” under s. 209(aa)(i) of the *HRM Charter* and has standing as an intervenor in the appeal.

[31] The issue to be decided on the hearing of the appeal is whether the decision of the Harbour-East Marine Drive Community Council reasonably carries out the intent of the Municipal Planning Strategy. Challenges to the relevancy of evidence filed or given at the hearing can be made by any party to the Board during the process and the Board will address any challenges when raised.

Lucasville Community Association

[32] The Lucasville Community Association seeks to have formal standing as an intervenor in this appeal. Mr. Parsons testified on behalf of Lucasville Community Association and prepared all written submissions on its behalf.

[33] As an organization, the Lucasville Community Association must demonstrate that it either meets the criteria of an “aggrieved person” under s. 209(aa)(ii) or s. 209(aa)(iii) of the *HRM Charter*, which define the categories of organizations eligible to participate in a planning appeal, or that it meets the common law test.

[34] To meet the definition of “aggrieved person” under s. 209(aa)(ii), the proposed intervenor must be “an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the Council’s decision, or features, structures or sites of the community affected by the Council’s decision, having significant cultural, architectural or recreational value”.

[35] Section 209(aa)(iii) of the *HRM Charter* requires that the majority of members of an incorporated or unincorporated organization must be individuals referred

to in subclause (i), i.e., that the majority of its members are individuals who are an “aggrieved person”. The Lucasville Community Association has not provided any evidence or even suggested that the majority of its members would meet the test of an individual “aggrieved person” required under s. 209(aa)(iii). Accordingly, the Board finds that the Lucasville Community Association can only seek formal standing as an intervenor under s. 209(aa)(ii).

[36] The Lucasville Community Association states it is an incorporated, not for profit, community-based organization representing Lucasville, a historic African Nova Scotian community within Halifax Regional Municipality. The Lucasville Community Association says that its mission is to strengthen and enrich the Lucasville Community by preserving its cultural and historical identity, supporting the safety and well-being of its residents, and providing input to all levels of government on issues that affect the community, including development. It submits that cultural-protection and development-advocacy interests are express organizational purposes.

[37] The Lucasville Community Association says that it advocates for responsible land use, community-led planning, infrastructure planning, and the long-term wellbeing of its community. The Lucasville Community Association states that it is committed not only to advocating for the interests of Lucasville, but also supporting and advocating alongside other historic African Nova Scotian communities where planning and development decisions may have broader implications for their collective communities, including the protection of the historic character and ensuring archaeological assessment for unmarked burial grounds, or other archaeological resources, be undertaken before development is approved.

[38] Mr. Parsons testified that the proposed development is approximately a 30-minute drive from Lucasville. The Lucasville Community Association submits that it does not claim that the Montague Road development will directly affect property values or the reasonable enjoyment of property in Lucasville.

[39] The Lucasville Community Association says that while the development that is the subject of this appeal is in Lake Loon, not Lucasville, the issues before the Board have significance extending beyond the immediate property and community. It says that African Nova Scotian communities throughout HRM are confronting many of the same issues, including development pressure, planning policies that do not always reflect the community, loss of land and community character, inadequate consultation, and major development proposals being advanced while community-led planning work is still underway. The Lucasville Community Association submits that the proposed development is located on lands that fall within the province's high potential zone for archaeological sites. The Lucasville Community Association says that the site visits to assess for grave sites were inadequate. Further, it says that the recommended monitoring by a provincial official for unmarked graves during the construction, as stated in the proposed development agreement, would not be sufficient if this appeal were allowed. The Lucasville Community Association says that it has specific actions that it would request of Council for archaeological assessment.

[40] The Lucasville Community Association says that it meets the definition of an "aggrieved person" under s. 209(aa)(ii) of the *HRM Charter* because its mission is to protect the quality of life in the affected neighbourhoods. Further, it submits that s.

209(aa)(ii) does not prescribe local residence for the organization's members. Rather, the separate majority-membership route appears in s. 209(aa)(iii).

[41] The Appellants request that Lucasville Community Association's request for formal intervenor standing be denied. In their written submissions, the Appellants state that the Lucasville Community Association did not meet the burden of proof to be granted formal standing as an intervenor either under s. 209(aa)(ii) of the *HRM Charter* or under the common law test. The Appellants submit that the Lucasville Community Association has not demonstrated that the majority of its members are individuals who *bona fide* believe the decision of Council would adversely affect the value, or reasonable enjoyment of their property or the property they occupy. Accordingly, the Appellants submit that the Lucasville Community Association has not established itself as an organization that meets the definition of "aggrieved person" under s. 209(aa)(iii).

[42] The Appellants submit the interest that the Lucasville Community Association takes in Council's decision is based on the general nature of the decision with respect to impacts on African Nova Scotian communities. These impacts are not unique to Lucasville, which is approximately a 30-minute drive from the proposed development, and not particular to Lucasville. Accordingly, the Appellants submit that the Lucasville Community Association has failed to establish, as required under common law, a real and substantial interest and that it would be impacted in a unique or personal aspect.

[43] HRM also submits that Lucasville Community Association's request should be denied. HRM says that Lucasville Community Association does not meet the criteria for intervenor status stated in *Northern Construction* because it represents an area of HRM that is geographically separate and distinct from the area affected by the proposed

development. HRM says that whether Council's decision on the proposed development is upheld or overturned has no direct effect on the properties in the Lucasville area. HRM says that the Board's task is to consider Council's decision about the Appellants' development proposal and not to conduct a general review of planning policies as they relate to African Nova Scotian communities. HRM states that any similar proposals in the Lucasville area would be assessed on their own factual context against the specific planning policies and regulations in place under the relevant municipal planning strategy and land use by-laws.

[44] This appeal is brought under s. 262(1) of the *HRM Charter*. Therefore, the Board must determine in this appeal whether the Harbour East-Marine Drive Community Council's refusal to approve the development agreement reasonably carries out the intent of the Cole Harbour/Westphal Municipal Planning Strategy and the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Municipal Planning Strategy.

[45] The Board understands from Mr. Parsons' testimony and the Lucasville Community Association's written submissions that there is a 2024 direction of Regional Council for the African Nova Scotia Community Action Planning program (ANSCAP) to begin a planning strategy review and develop the Regional Plan framework for community action planning. The Board understands that the purpose of ANSCAP is to work towards recommendations for changes to planning documents for African Nova Scotian communities and expressly identifies Lucasville and Cherry Brook/Lake Loon. This comprehensive planning and engagement review has not, however, been completed. The Board is limited to considering existing policies in the applicable municipal planning strategy and any new policies in development are beyond the scope of what it can

consider. The proposed evidence will not assist the Board in its narrow authority to decide whether the decision of Council reasonably carries out the intent of the Cole Harbour/Westphal Municipal Planning Strategy and the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Municipal Planning Strategy.

[46] Whether an individual or an organization, an “aggrieved person” must be able to assert a unique or personal impact (see *Cann v Halifax Regional Municipality*, 1997 NSUARB 68, paras. 11 to 15; *Whitcombe, Re*, 2005 NSUARB 63; *Johanson, Re*, 2010 NSUARB 123; *Cameron, Re*, 2020 NSUARB 108, paras. 12 to 24; and *Northern Construction*, 2012 NSUARB 149, para. 100).

[47] The Board finds that s. 209(aa)(ii) requires that an incorporated association, through its mandate whose objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by Council’s decision, or features, structures or sites of the community affected by Council’s decision, having significant cultural, architectural or recreational value. Whether considering the definition of “aggrieved person” under s. 209(aa)(ii) or the common law approach to intervenors, the Board finds there must be a particular link between the applicant and the alleged harm resulting from the decision under appeal.

[48] The evidence and submissions of Lucasville Community Association do not show that the organization is, in the words of *Northern Construction*, “uniquely, personally or particularly impacted by the development”. The Board finds that in its written submissions, the Lucasville Community Association referenced various work that it does in Lucasville such as protecting the Lucasville cemetery. It acknowledged that the Lucasville cemetery is not alleged to be physically affected by the Lake Loon

development. It stated that the Lucasville Community Association does not claim that the Montague Road development will directly affect property values or the reasonable enjoyment of property in Lucasville. Finally, the Lucasville Community Association accepts that Lucasville and Cherry Brook/Lake Loon are distinct geographic communities. The Board finds that Lucasville Community Association's interest in issues affecting other communities does not bring it within the scope of s. 209(aa)(ii), because there is no particular link between the Lucasville Community Association and the alleged harm that may result from the decision under appeal.

[49] Under the common law, to be granted standing, an intervenor must establish a real and substantial interest and be impacted in a unique or personal aspect. There must be a particular link between the person and the alleged harm that will cause or threaten harm from the decision under appeal. The Lucasville Community Association has stated it is making no claim that the Montague Road development will directly affect property values or the reasonable enjoyment of property in Lucasville. The Board finds that the Lucasville Community Association has not demonstrated that its members would be uniquely, personally, or particularly impacted by the proposed development such that it should be granted intervenor status under the common law.

[50] Accordingly, the Board denies the Lucasville Community Association's request for intervenor status in this appeal.

IV CONCLUSION

[51] Following Ms. Mulder's request for intervenor status in this appeal, the Board decided the preliminary issue of whether she is an "aggrieved person", as that term

is defined in s. 209(aa)(i) of the *HRM Charter*, or as interpreted in the common law. This preliminary decision does not address the merits of the appeal itself.

[52] The Board finds, on a balance of probabilities, that there is sufficient objective evidence to establish that Ms. Mulder has a *bona fide* belief that if this appeal of Council's decision to reject the development results in Council's decision is overturned, then such an outcome could adversely affect the value, or the reasonable enjoyment, of her property. The Board also concludes that Ms. Mulder has a "real and substantial" interest in this appeal relevant to the issues the Board must decide. Accordingly, the Board grants Ms. Mulder's application for formal standing to intervene in this appeal.

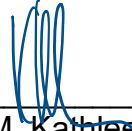
[53] With respect to the Lucasville Community Association, the Board finds, on a balance of probabilities, that there is no objective basis to conclude it is an "aggrieved person" under s. 209(aa)(ii) of the *HRM Charter*. The Board is satisfied that the Lucasville Community Association, in the words of *Friedmann*, will not "genuinely suffer ... or [be] seriously threatened with, any form of harm prejudicial to [their] interests". Further, the Board does not consider that they have a "real and substantial" interest in the subject matter of the appeal as contemplated under the *UARB Regulations*. Considering the evidence and the submissions of the Lucasville Community Association and the parties, the Board concludes that the Lucasville Community Association is not an "aggrieved person". The Lucasville Community Association's request for formal standing to intervene in this appeal is denied.

[54] While the Board has denied Lucasville Community Association's request for formal intervenor status, the Lucasville Community Association may participate in the process by submitting a letter of comment or requesting to speak at the public session to

be held in this matter, as noted in the Notice of Public Hearing and Hearing Order. However, if they wish to do so, any comments must be relevant to the issue to be decided in this appeal (i.e., whether Council's decision to refuse the development agreement reasonably carries out the intent of the Cole Harbour/Westphal Municipal Planning Strategy and the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Municipal Planning Strategy). The Lucasville Community Association must file its letter or advise the Clerk of the Board, in writing, that it wishes to speak, no later than November 10, 2026.

[55] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 20th day of October 2026.



M. Kathleen McManus