


NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE HALIFAX REGIONAL MUNICIPALITY CHARTER

- and -

IN THE MATTER OF AN APPEAL by **MARTIN AND JUDITH GERRARD** from the decision of a Development Officer for the Halifax Regional Municipality refusing an application for a Development Permit to construct an addition and deck to a camper trailer at 945 West Ship Harbour Road, Lower Ship Harbour, Nova Scotia (PID: 41441551)

BEFORE:  Bruce H. Fisher, MPA, CPA, Member

DECISION AND ORDER

On February 9, 2026, Martin and Judith Gerrard filed a Notice of Appeal with the Nova Scotia Regulatory and Appeals Board (Board) under the *Halifax Regional Municipality Charter*, SNS 2009, c 39 (*HRM Charter*), appealing the decision of a Development Officer for the Halifax Regional Municipality refusing an application for a Development Permit to construct an addition and deck to a camper trailer at 945 West Ship Harbour Road, Lower Ship Harbour, Nova Scotia (PID: 41441551). The Development Officer's refusal was dated February 2, 2026.

The Board held a preliminary hearing to set hearing dates and address other preliminary matters on February 26, 2026. Martin and Judith Gerrard appeared as Appellants and William Hatfield appeared as counsel for the Municipality.

At the preliminary hearing, the parties agreed to a timeline for the filings and hearing in this matter and a Notice of Public Hearing and Hearing Order were issued on March 2, 2026.

Also on March 2, 2026, the Board sent correspondence to the Appellants with instructions on how to serve the assessed owners located within 500 feet of the property that is the subject of this appeal. The deadline set out in the Hearing Order for service of the Notice of Hearing on the assessed owners and confirmation of same to the Board was Thursday, March 12, 2026.

On March 13, 2026, Board staff were advised by Mr. Gerrard by phone that he did not deliver the Notice of Hearing because he was looking into obtaining legal advice for the appeal.

On March 16, 2026, Board staff again called Mr. Gerrard and left a voicemail advising him that the Notices needed to be delivered for the timeline to the hearing to remain viable. No response was received to this voicemail.

On March 19, 2026, a similar voicemail was left by Board staff for Mr. Gerrard.

On March 23, 2026, Board staff sent an email to the parties indicating that the Appellants had not yet served the Notice of Hearing to the assessed owners and that it was therefore no longer possible to meet the timeline for the hearing that was previously scheduled. The Board asked that a preliminary hearing be convened to discuss a new timeline. This email was also sent to the Appellants by registered mail with tracking and signature required. Canada Post tracking information indicates that this correspondence was picked up and signed for by Mr. Gerrard on April 1, 2026. No response to this correspondence was received from the Appellants.

The Appellants did not request any further extensions of the timeline and did not file any written or visual evidence by the March 26, 2026, deadline set in the Hearing Order.

On April 2, 2026, the Board sent correspondence to the Appellants confirming that the Notice of Public Hearing had not been delivered as instructed by the Board and that the Appellants had provided no further communication with the Board since the March 23rd request. The Board was mindful that there may have been extenuating circumstances and asked that the Appellants reply to the Board no later than Monday, April 13, 2026, to indicate whether they wished to continue the appeal. The Board stated that failure to respond by this deadline may result in a dismissal of the appeal. Canada Post tracking information indicates that this correspondence was picked up and signed for by Mr. Gerrard on April 7, 2026.

On April 13, 2026, Mr. Gerrard stated in a telephone call with the Clerk of the Board that the Appellants had been in discussions with the Municipality and that they now wanted to withdraw the appeal. The Clerk asked that Mr. Gerrard provide the Board with a brief email to confirm this in writing. This request was reiterated in an email from Board staff on April 14, 2026. No response was received from the Appellants.

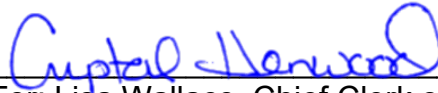
The Board adopts the legal analysis and conclusions of the Nova Scotia Utility and Review Board in *Sanford, Re*, 2023 NSUARB 30, regarding the Board's jurisdiction to dismiss an appeal under the *HRM Charter* where the Board finds an appellant has abandoned the appeal or ceased participating in the process.

Given the Appellants' failure to serve the Notice of Hearing on the list of assessed owners within 500 feet, and to provide evidence by the deadline, the appeal timeline is no longer viable. The Appellants have had multiple opportunities to set down new timelines but have

failed to seek any extensions or take other steps that would allow the Board to proceed with the appeal. Their sole communication with the Board since the preliminary hearing of February 26, 2026, was two phone calls with Board staff providing verbal confirmation that they did not deliver the Notice of Hearing to owners within 500 feet, and of their wish to withdraw from the matter.

The Board orders that the matter be dismissed because the Appellants have abandoned the appeal.

DATED at Halifax, Nova Scotia, this 23rd day of April 2026.

A handwritten signature in blue ink, appearing to read "Cynthia Harwood", written over a horizontal line.

For: Lisa Wallace, Chief Clerk of the
Board