

NOVA SCOTIA COURT OF APPEAL

Between:

Disability Rights Coalition and Beth MacLean, Olga Cain on behalf of
Sheila Livingstone, Tammy Delaney, on behalf of Joseph Delaney
Appellants

v.

The Attorney General of Nova Scotia representing Her Majesty the Queen
in right of the Province of Nova Scotia (including the Minister of Community
Services and the Minister of Health and Wellness), Nova Scotia Human Rights
Commission, J. Walter Thompson, Q.C., sitting as a Board of Inquiry
Respondents

and

Inclusion Canada, the Council of Canadians with Disabilities,
and People First of Canada
Intervenors

ORDER FOR JUDGMENT



UPON REASONS FOR JUDGMENT having been delivered on October 6, 2021,
by the Court;

AND UPON the Court's request that counsel provide supplementary submissions
on what impact, if any, the individual appellant Beth MacLean's death has on the
payment of the damage award to Ms. MacLean's estate;

AND UPON the Court issuing reasons for judgment on the issue of the impact of
Beth MacLean's death on the payment to the amount of damages award to her;

AND UPON the Court holding the issuance of the Order for Judgment in
abeyance until receipt of those submissions;

IT IS ORDERED THAT the Disability Rights Coalition's appeal of the *prima*
facie decision is allowed.

IN THE NOVA SCOTIA
COURT OF APPEAL

I hereby certify that the foregoing document,
identified by the Seal of the Court, is a true
copy of the original document on file herein.

Dated the 14th day of December A.D., 2021

Deputy Registrar

IT IS FURTHER ORDERED THAT the Province of Nova Scotia is entitled to a justification hearing on the finding of systemic discrimination and the matter shall be remitted to a differently constituted Board of Inquiry to undertake a hearing pursuant to s. 6 of the *Human Rights Act*.

IT IS FURTHER ORDERED THAT the Province of Nova Scotia's cross-appeal of the *prima facie* decision is dismissed.

IT IS FURTHER ORDERED THAT the individual appellants' appeal of the *prima facie* decision is allowed in part.

IT IS FURTHER ORDERED THAT the Province of Nova Scotia shall be entitled to a justification hearing before a differently constituted Board of Inquiry for the expanded *prima facie* findings regarding the individual appellants.

IT IS FURTHER ORDERED THAT the individual appellants' appeal and the Province of Nova Scotia's cross-appeal on the remedy decision is allowed.

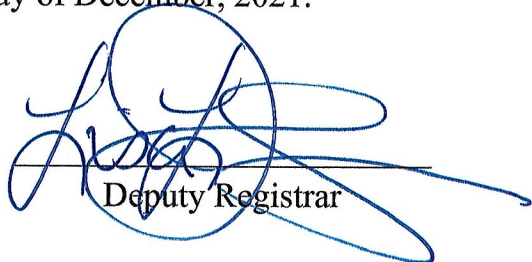
IT IS FURTHER ORDERED THAT the damages awarded to the late appellant Beth MacLean in the amount of \$300,000 shall be payable to the Estate of Beth MacLean;

IT IS FURTHER ORDERED THAT the individual appellant Joseph Delaney is awarded damages in the amount of \$200,000 payable into a trust in accordance with the decision of the Human Rights Board of Inquiry, [2019] N.S.H.R.B.I.D. No. 5, at para. 59.

IT IS FURTHER ORDERED THAT the damages awarded to Olga Cain and Jackie McCabe-Sieliakus are set aside.

IT IS FURTHER ORDERED THAT the Board of Inquiry's costs award is set aside.

ISSUED at Halifax, Nova Scotia, this 14th day of December, 2021.



LISA JACKSON
Deputy Registrar
Nova Scotia Court of Appeal