

2025

Supreme Court of Nova Scotia

Hfx No.

Between:

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 2

Applicant



and

**HALIFAX REGIONAL MUNICIPALITY, ATTORNEY GENERAL
OF NOVA SCOTIA, and IMPERIAL CLEANERS LTD.**

Respondents

Notice of Judicial Review

To: Halifax Regional Municipality

And To: Attorney General of Nova Scotia

And To: Imperial Cleaners Ltd.

REQUEST FOR JUDICIAL REVIEW

The Applicant, Service Employees International Union, Local 2, requests judicial review of the award of the Janitorial Services – Alderney Gate Contract to Imperial Cleaners Ltd. on February 20, 2025.

DECISION TO BE REVIEWED

The Decision appears to have been made by Halifax Regional Municipality on February 20, 2025. It came to the attention of the Applicant no earlier than February 20, 2025 when the award was posted online.

The authority under which the decision was made is the *Halifax Regional Municipality Charter*, the *Public Procurement Act*, and the Procurement Policy (Administrative Order Number 2022-0120-ADM).

Attached to this Notice for Judicial Review is a copy of the Decision.

Grounds for review

The Applicants seek judicial review on the following grounds:

1. For the last several years, GDI Services (Canada) LP (“GDI”) has had the contract to provide janitorial services to the Alderney Gate property owned by the Halifax Regional Municipality (“HRM”).
2. The Alderney Gate property consists of the Dartmouth/Alderney Ferry terminal, Alderney Landing, Alderney Gate Public Library, HRM offices located above the ferry terminal, and the office tower attached to the Landing.
3. Approximately twelve janitorial workers perform the job and ensure that the public spaces are clean, safe, and welcoming to members of the community.
4. GDI employees performing this contract are unionized. The Applicant is their registered bargaining agent.
5. On or around November 27, 2024, Halifax Regional Municipality (“HRM”) issued a bid tender package seeking a contractor to perform janitorial services at the Alderney Gate.
6. On or around February 20, 2025, HRM awarded the contract to the Respondent, Imperial Cleaners Ltd (“Imperial”). Imperial’s employees are not unionized.
7. Imperial’s bid failed to meet the necessary requirements of the Procurement Policy (Administrative Order Number 2022-0120-ADM) (the “Policy”) namely:
 - (a) it failed to provide a “fair/living wage” in accordance with s. 21(2)(c) and 21(3) of the Policy, and as further described in Appendix “C” of the Policy, and
 - (b) it failed to achieve social value or social impacts such as socially responsible production.
8. HRM failed to properly weight or score the living wage and social value components of the Policy when preparing the bid tender package and evaluating the bids.
9. HRM failed to request that Imperial provide HRM evidence of its compliance with the living wage requirements set out Section 8 of in Appendix “C” of the Policy.
10. The decision to award the contract to Imperial was therefore unreasonable and/or incorrect and should be quashed.

Order proposed

The Applicants request an order:

1. quashing the Decision;
2. directing Halifax Regional Municipality to re-tender the contract in accordance with directions from the Court;

3. such further and other relief as counsel may advise and this Honourable Court considers just in the circumstances;
4. awarding the Applicants the costs of this proceeding.

You may participate

You may participate in the judicial review if you file a notice of participation no more than ten days after the day a copy of this notice for judicial review is delivered to you. Filing the notice entitles you to notice of further steps in the judicial review.

Record to be produced

The Record should include the following:

1. all internal emails/texts/notes/memorandum/minutes/relevant documents relating to the Decision and/or relied on by the Respondent including but not limited to all documents related to Bid Number HRM-2024-0634.
2. an affidavit from the Applicant to be sworn and filed describing background information. The content of the affidavit will depend in part on the contents of the Record (which is unknown to the Applicants) The Applicants will seek directions with respect to this affidavit at the motion for directions.

Notice to decision-making authority

The Respondent is required by *Civil Procedure Rule 7 (Judicial Review)* to file one of the following no less than five days after the day the decision-making authority is notified of this proceeding by delivery of a copy of this notice for judicial review:

- a complete copy of the record, with copies of separate documents separated by numbered or lettered tabs;
- a statement indicating that the decision-making authority has made arrangements with the Applicant to produce of the record, providing details of those arrangements, and estimating when the return will be ready;
- an undertaking that the decision-making authority will appear on the motion for directions and will seek directions concerning the record; or
- a summary of reasons given orally without a record and your certificate the summary is accurate, if you gave reasons orally and not on record.

If the Respondent fails in this regard, a judge may order costs against it including a requirement that it indemnify each other party for any expenses caused by its failure, such as expenses caused by an adjournment if that is the result.

Stay of proceedings or other interim remedy

The Applicant intends to make a motion for a stay of the Decision under judicial review. The Applicant will advise on its position with respect to other interim remedy at the motion for directions.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Prothonotary, The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (telephone 902-424-6900).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The Applicant designate the following address:

Cox & Palmer
c/o Nicola Watson and Richard Norman
Nova Centre – South Tower
1500-1625 Grafton Street
Halifax, NS B3J 0E8
Tel: (902) 491-4128
Fax: (902) 421-3130
Email: rnorman@coxandpalmer.com

Documents delivered to this address are considered received by the Applicants on delivery.

Further contact information is available from the Prothonotary.

Motion for date and directions

At 11:00 a.m. on June 11, 2025, the Applicants will appear before a judge in chambers at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, to make a motion for an order giving directions for the judicial review including a date and time for the hearing of it. The judge may make an order or provide directions in your absence if you or your counsel fail to attend, and the court may determine the judicial review without further notice to you.

Signature

Signed at Halifax, Nova Scotia on February 28, 2025.



Nicola Watson and Richard Norman
Cox & Palmer
Nova Centre – South Tower
1500-1625 Grafton Street
Halifax, NS B3J 0E8
Tel: (902) 491-4238
Fax: (902) 421-3130
Email: nwatson@coxandpalmer.com
Counsel for the Applicant

Prothonotary's certificate

I certify that this notice for judicial review was filed with the court on the _____ day of _____, 2025.

Prothonotary



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Bid Details

Bid Classification:	Services
Bid Type:	Request for Standing Offer(s)
Bid Number:	HRM-2024-0634
Bid Name:	Janitorial Services - Alderney Gate
Bid Status:	Awarded
Bid Awarded Date:	Thu Feb 20, 2025 (AST)
Published Date:	Wed Nov 27, 2024 12:00:59 AM (AST)
Bid Closing Date:	Mon Dec 23, 2024 2:00:59 PM (AST)
Question Deadline:	Mon Dec 16, 2024 12:00:00 PM (AST)
Duration in months:	60
Negotiation Type:	Refer to project document
Condition for Participation:	Refer to project document
Electronic Auctions:	Not Applicable
Language for Bid Submissions:	English unless specified in the bid document
Submission Type:	Online Submissions Only
Submission Address:	Online Submissions Only
Public Opening:	No
Description:	This RFSO for the HRM is for Janitorial services at Alderney Gate

Bid Document Access:

Bid Opportunity notices and awards and a free preview of the bid documents is available on this site free of charge without registration. Please note, some documents may be secured and you will be required to register for the bid to download and view the documents. There is no cost to obtain an unsecured version of the document and /or to participate in this solicitation.

Trade Agreements:

[Show Trade Agreements \[+\]](#)

Categories:

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Meeting Locations

The following are the meeting times and locations for the bid:

Meeting Location

Description

60 Alderney Drive (in front of Library doors).

pre-bid meeting and site visit

Documents

File Name

HRM-2024-0634.pdf

Tuesday November 26, 2024 09:35 AM

Standard Terms and Conditions for Goods and Services (Purchase Order Terms)

Tuesday October 29, 2024 11:46 AM

Halifax Supplier Code of Conduct

Tuesday October 29, 2024 11:46 AM

Cleaning Schedule

Monday November 25, 2024 10:48 AM

Quality Standards for Cleaning

Monday November 25, 2024 10:51 AM

Site Information Sheet

Monday November 25, 2024 10:52 AM

Sub-Contractor List

Monday November 25, 2024 10:54 AM

Parking Lots

Monday December 16, 2024 10:38 AM

Floor Plans

Monday December 16, 2024 10:38 AM

Updated - Alderney Gate - 40,60 and 88

Wednesday December 18, 2024 03:22 PM

Updated - Cleaning Schedule and Service Hours

Wednesday December 18, 2024 03:23 PM

Addenda

File Name

HRM-2024-0634 Addendum #1

Monday December 16, 2024 10:38 AM

HRM-2024-0634 Addendum #2

Thursday December 19, 2024 05:56 AM

Awarded

The following are the awarded vendors for the bid:

Company	Contact
Imperial Cleaners Ltd.	Cunningham, Mary 617 Windmill Road, Dartmouth Nova Scotia, Canada B3B 1B6