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# NOVA SCOTIA DISABILITY SERVICES CLASS ACTION

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## NOTICE OF SETTLEMENT APPROVAL

**Were you placed on the Waitlist, or placed in an Institution, Nursing Home, or Hospital, while eligible for disability services under the *Social Assistance Act* after April 1, 1998?**

**Please read this notice carefully. Your rights may be affected even if you do not take any action.**

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This notice is for all Class Members in the Nova Scotia Disability Services Class Action. You may be able to claim money in a Settlement that was approved in a lawsuit against the Province of Nova Scotia (the "**Province**").

In Nova Scotia, people with disabilities may apply for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 through the Disability Support Program ("**DSP**"). Certain individuals who were determined to be eligible for this assistance have experienced waitlists to receive services, and have been placed in Institutions, Nursing Homes, or Hospitals while on the waitlist.

The lawsuit alleges that the Province's mismanagement of the system for assistance for people with disabilities is negligent and breaches sections 7 and 15(1) of the *Canadian Charter of Rights and Freedoms*. The Province agreed to settle the claims in the class action and to compensate eligible Class Members. The settlement was approved on November 12, 2025.

The following individuals can make a claim in the Settlement.

<b>Waitlist Class Members</b>	All persons, who were alive as of May 4, 2022, who were on the waitlist for services (other than a residential placement for seniors) under the <i>Social Assistance Act</i> , S.N.S. 1989, c. 432, for any period of time after April 1, 1998, exclusive of any period for which an individual was a member of:  a) the Institution Class; b) the Nursing Home Class; or c) the Hospital Class.
<b>Institution Class Members</b>	All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided at a Regional Rehabilitation Centre, Adult Residential Centre, or Residential Care Facility, while eligible for assistance under the <i>Social Assistance Act</i> , R.S.N.S. 1989, c. 432.
<b>Nursing Home Class Members</b>	All persons, who were alive as of May 4, 2022, who:  a) For any period of time after April 1, 1998, resided in a nursing home; b) Were eligible for assistance under the <i>Social Assistance Act</i> , R.S.N.S. 1989, c. 432 while residing in the nursing home; and c) Had been assessed by an agent or employee of the Department of Community Services as having support needs which fell within the mandate of the Department of Community Services pursuant to the Disability Support Program Policy (or Services for Persons with Disabilities Policy) applicable at the time of their residence in the nursing home.

<b>Hospital Class Members</b>	All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided in the Nova Scotia Hospital or another hospital operated by the Nova Scotia Hospital Authority or any of its predecessors, without a medical reason for the hospitalization, while eligible for assistance under the <i>Social Assistance Act</i> , R.S.N.S. 1989, c. 432.
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**IMPORTANT: The deadline to make a Claim is March 17, 2027.**

### **Settlement Benefits**

There is a Settlement Fund of between \$32 million and \$34 million available to pay eligible Class Members as well as certain fees and expenses, including Class Counsel Fees in the amount approved by the Court, and the Honorarium for the representative plaintiff that was approved by the Court.

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### **WHAT THIS NOTICE CONTAINS**

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1. Why am I receiving this notice?
2. What is a class action?
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9. How are the class action lawyers paid?
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### **1. WHY AM I RECEIVING THIS NOTICE?**

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You received this Notice for one of four reasons:

1. First, you signed up with one of the law firms representing Class Members to receive updates about the class action.
2. Second, you signed up with the Claims Administrator at [www.NSWaitlistSettlement.ca](http://www.NSWaitlistSettlement.ca) to receive updates about the class action.
3. Third, someone you know sent you this information because they believe that this Settlement will impact your rights. Please read the entire Notice carefully as your rights may be affected, even if you do nothing.
4. Fourth, you found this Notice in a public area or in a facility providing services under the *Social Assistance Act*. In an effort to reach as many Class Members as possible, these Notices were disseminated by the Province to service providers across Nova Scotia. Please read the entire Notice carefully as your rights may be affected, even if you do nothing.

You might have already received notice about the Settlement Approval Hearing which was held on November 7, 2025. However, this notice is to update you on the Settlement's approval and to let you know how to make a Claim and the deadline for doing so.

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## 2. WHAT IS A CLASS ACTION?

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A class action is a lawsuit which provides a method for a large group of people with common claims to jointly advance one large claim. Class actions are a means through which a large group of individuals can obtain compensation for wrongs committed against them.

The individuals included in a class action are called Class Members. Unless they exclude themselves by opting out, Class Members are included in the lawsuit and decisions made in the class action are legally binding on them.

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## 3. WHAT IS THIS CLASS ACTION ABOUT?

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This class action, *Isai Estey v. The Attorney General of Nova Scotia* (Hfx No. 514712), was brought to claim compensation for people with disabilities who were determined eligible to receive disability services under the *Social Assistance Act*, but who were placed on the Waitlist, or placed in an Institution, Nursing Home, or Hospital, while eligible for disability services.

This class action alleges that the Province's mismanagement of the system for assistance for people with disabilities was negligent and breached sections 7 and 15(1) of the *Canadian Charter of Rights and Freedoms*.

The Court certified this action as a class proceeding on **June 21, 2024**, with the consent of the Province of Nova Scotia.

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## 4. WHO IS INCLUDED IN THE SETTLEMENT?

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The classes or categories of individuals in this Class Action are referred to as:

**Waitlist Class Members**

All persons, who were alive as of May 4, 2022, who were on the waitlist for services (other than a residential placement for seniors) under the *Social Assistance Act*, S.N.S. 1989, c. 432, for any period of time after April 1, 1998, exclusive of any period for which an individual was a member of:

- a) the Institution Class;
- b) the Nursing Home Class; or
- c) the Hospital Class.

**Institution Class Members**

All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided at a Regional Rehabilitation Centre, Adult Residential Centre, or Residential Care Facility, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432.

**Nursing Home Class Members**

All persons, who were alive as of May 4, 2022, who:

- a) For any period of time after April 1, 1998, resided in a nursing home;
- b) Were eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 while residing in the nursing home; and

- c) Had been assessed by an agent or employee of the Department of Community Services as having support needs which fell within the mandate of the Department of Community Services pursuant to the Disability Support Program Policy (or Services for Persons with Disabilities Policy) applicable at the time of their residence in the nursing home.

**Hospital Class Members**

All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998, resided in the Nova Scotia Hospital or another hospital operated by the Nova Scotia Hospital Authority or any of its predecessors, without a medical reason for the hospitalization, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432.

**5. WHAT DOES THE SETTLEMENT PROVIDE?**

The Province will initially pay **\$32 million** to resolve the class action. If approved claims by people whom the law sees as legally incapable of starting a lawsuit on their own reach a certain level, the Province will pay an additional **\$2 million**. The total amount which the Province may pay under the Settlement is **\$34 million**.

The amount paid by the Province is all-inclusive. It will be used to pay compensation to approved Class Members as well as Class Counsel Fees, administration and notice costs, fees to the litigation funder, and honorarium for the representative plaintiff.

The claims process for compensation starts on December 17, 2025.

Under the Settlement, eligible Class Members will receive compensation according to the duration of their membership in the Waitlist Class, Institution Class, Hospital Class, and/or Nursing Home Class.

Compensation will be paid in accordance with the Compensation Protocol, which is attached as Schedule "A" to the Settlement. The amounts which approved Class Members may receive are:

<b>Class Group</b>	<b>Compensation</b>
Waitlist Class	<p>Class Members who met the Waitlist Class definition for at least six (6) months may be eligible for a base payment of \$5,000.</p> <p>Class Members who continued to meet the Waitlist Class definition may be eligible for a further \$500 for each additional twelve (12) month duration as a member of the Waitlist Class.</p>
Institution Class	<p>Class Members who met the Institution Class definition for at least three (3) months may be eligible for a base payment of \$15,000.</p> <p>Class Members who continued to meet the Institution Class definition may be eligible for a further \$1,500 for each additional twelve (12) month duration as a member of the Institution Class.</p>

Class Group	Compensation
Nursing Home Class	<p>Class Members who met the Nursing Home Class definition for at least three (3) months may be eligible for a base payment of \$15,000.</p> <p>Nursing Home Class Members who continued to meet the Nursing Home Class definition may be eligible for a further \$1,500 for each additional twelve (12) month duration as a member of the Nursing Home Class.</p>
Hospital Class	<p>Class Members who met the Hospital Class Definition for at least one (1) month may be eligible for \$1,500 for each whole month as a member of the Hospital Class.</p>

This compensation "stacks", and a Class Member may be eligible for compensation as a member of more than one Class.

Depending on the number of approved claims, these amounts may be reduced on a proportionate (*pro rata*) basis to ensure that the amount of approved compensation does not exceed the amount paid by the Province.

You can find a copy of the Settlement Agreement setting out the terms of the Settlement on the class action website: [www.NSWaitlistSettlement.ca](http://www.NSWaitlistSettlement.ca).

The Settlement also provides for an Honorarium of \$15,000 to the representative plaintiff.

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**6. HOW DO I RECEIVE PAYMENT?**

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The claims process for compensation starts on December 17, 2025.

You will need to submit a form (the "**Application**") to be considered for compensation from the Settlement Agreement. The deadline to submit the Application is March 17, 2027.

For more information on how compensation will be paid out of the Settlement, you can find a copy of the Compensation Protocol, which is attached as Schedule "A" to the Settlement Agreement, on the class action website: [www.NSWaitlistSettlement.ca](http://www.NSWaitlistSettlement.ca)

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**7. WHAT TIME PERIOD DOES THE SETTLEMENT COVER?**

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The class period covered by the Settlement runs from April 1, 1998, to August 20, 2025. There are different eligibility rules depending on the period of time on the waitlist covered by an individual's claim:

- Waitlist time from May 4, 2020. and August 20, 2025: Normal process applies. Class Members do not need to show that they were legally incapable.
- Waitlist time between April 1, 1998, and May 4, 2020: Class Members must show that they were legally incapable of starting a lawsuit to be eligible for compensation for this time.

These rules exist because of the two-year limitation period created by Nova Scotia law. This limitation period applies to class actions as well as individual lawsuits.

This class action was started on May 4, 2022. Based on the limitation period in Nova Scotia law, Class Members are only eligible for compensation for waitlist time before May 4, 2020, if they were legally incapable of starting a lawsuit.

For more details about proving legal incapacity, you can find a copy of the Compensation Protocol, which is attached as Schedule "A" to the Settlement Agreement, on the class action website: [www.NSWaitlistSettlement.ca](http://www.NSWaitlistSettlement.ca).

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## **8. WHO ARE THE LAWYERS FOR THE CLASS?**

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Class Counsel in this class action are:

Koskie Minsky LLP                      20 Queen St West  
Toronto, ON M5H 3R4  
Email: [NovaScotiaDisabilityServicesClassAction@kmlaw.ca](mailto:NovaScotiaDisabilityServicesClassAction@kmlaw.ca)  
Phone: 1-877-309-9111

McKiggan Hebert Lawyers            1959 Upper Water St Suite 502  
Halifax, NS B3J 3N2  
Email: [info@mckigganhebert.com](mailto:info@mckigganhebert.com)  
Phone: 902-706-2298

You will not be charged for contacting these lawyers with questions about the Settlement. If you want to be represented by your own lawyer, you may hire one at your own expense.

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## **9. HOW ARE THE LAWYERS PAID?**

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No part of the Class Counsel Fees will be paid by Class Members.

Class Counsel will not charge Class Members for assistance with Applications under the Settlement. You do not need to pay Class Counsel for information, advice, or assistance regarding the Settlement.

Class Counsel worked on a contingency-fee basis, meaning that no fees were charged at any stage of the lawsuits until after the Settlement was approved. After the Court approved the Settlement, the Court approved Class Counsel's fees in the amount of \$8,000,000, plus HST of \$1,120,000, and disbursements (out-of-pocket expenses) of \$18,540.09 (inclusive of HST). The Court determined that this amount was fair and reasonable. This amount will be deducted from the Settlement Fund.

Class Counsel will not be seeking any fee on the \$2 million in additional funds which may be contributed by the Defendant if certain conditions are met.

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## **10. IS THE CLASS ACTION SETTLEMENT RELATED TO THE HUMAN RIGHTS CASE AND REMEDY PROCESS?**

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This class action is separate from the Human Rights case brought by the Disability Rights Coalition of Nova Scotia.

In the Human Rights case, the Nova Scotia Court of Appeal decided that the Province of Nova Scotia was systemically discriminating against people with disabilities through its management of

the Disability Support Program. The Nova Scotia Court of Appeal also awarded compensation to two individuals for their experiences of discrimination.

In response to the Court of Appeal's findings in the Human Rights case, the Province is currently implementing policy and program reforms through a remedy process supervised by a Nova Scotia Human Rights Board of Inquiry (the "**Remedy**").

Further details about the Remedy process are available online at <https://www.dsp-transformation.ca/> and <https://humanrights.novascotia.ca/remedy>.

The Settlement in this class action is intended to complement the Remedy by providing compensation to further individuals who experienced discrimination.

Nothing in the Settlement interferes with the Remedy process. If the Settlement is approved, it will be implemented by the parties and a claims administrator. Regardless, the Province will continue to implement the Remedy.

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### **11. CAN I OPT OUT OF THE CLASS ACTION?**

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No. The deadline to opt out of the class action was October 27, 2025. It is no longer possible to opt out of the class action.

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### **12. HOW DO I GET MORE INFORMATION?**

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For more information about the Settlement, please visit the Class Action website at: [www.NSWaitlistSettlement.ca](http://www.NSWaitlistSettlement.ca).

You may also contact the Claims Administrator at 1-844-677-1771, or <mailto:info@NSWaitlistSettlement.ca>, or by mail at:

Claims Administrator  
c/o Deloitte LLP  
PO BOX 998 STN CENTRAL  
Halifax, NS B3J 2X1

You may also contact Class Counsel at the contact information in section 8.

**This Notice has been approved by the Nova Scotia Supreme Court.**