

CASE NO.**VOL. NO.****PAGE**

Cite as: Colchester Young Men's Christian Association v. MCR Holdings Ltd., 1998
NSCA 216

THE COLCHESTER YOUNG
MEN'S CHRISTIAN ASSOCIATION

- and -

MCR HOLDINGS LIMITED,
a body corporate

Appellant

Respondent

C.A. No. 149077

Halifax

CHIPMAN, J.A.

APPEAL HEARD:

November 10, 1998

JUDGMENT DELIVERED:

November 18, 1998

SUBJECT:

**PRACTICE - Costs - Powers of Taxing Master in taxing
solicitor/client costs**

PRACTICE - Summary Judgment

SUMMARY:

The respondent taxed bill of costs for services of a solicitor and subsequently brought action against the appellant for the amount so taxed. The appellant contended that it was not liable to pay for the services. It had raised this issue unsuccessfully before the taxing master. An application for summary judgment was made to a judge of the Supreme Court in Chambers who ruled that it was too late to raise the issue of retainer in an action brought on the bill. This point having been raised before and decided by the taxing master.

ISSUE:

Whether the taxing master's power extended to determining the issue of retainer.

RESULT:

The Nova Scotia Court of Appeal, after examining the powers of the taxing master, held that the taxing master's jurisdiction did not extend to determining the issue of retainer as opposed to the express powers given to the taxing master by the **Barristers and Solicitors Act** and the **Civil Procedure Rules**. The appeal was allowed and the summary judgment was set aside.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. THE FULL COURT DECISION CONSISTS OF 6 PAGES.