

NOVA SCOTIA COURT OF APPEAL

Citation: Metlin v. Kolstee, 2003 NSCA 95

Date: 20030922

Docket: CA 175075

Registry: Halifax

Between: John Metlin, Michael Metlin and Beatrice Metlin
Appellants
v.
Hank W. Kolstee and Donna L. Kolstee
Respondents

Judge: Roscoe, J.A.

Appeal Heard: September 22, 2003

Written Judgment: September 24, 2003

Subject: Costs

Summary: Afer a two day trial of a boundary dispute in the Supreme Court, the trial judge awarded costs of \$4,125 plus disbursements. The appellants argued that a higher amount involved be fixed, that a higher scale be used, that costs be increased because of an offer to settle, that a portion be payable by the respondents' counsel, and that additional compensation for disbursements made prior to the commencement of the action be awarded. They also sought HST on the taxed disbursements.

Issue: Were wrong principles of law applied, or was the decision so clearly wrong as to amount to a manifest injustice.

Result: Appeal dismissed, except to the extent that HST on the disbursements was ordered to be paid by the respondents.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.