

IN THE SUPREME COURT OF NOVA SCOTIA

**Citation:** Bevis v. CTV Inc., 2004 NSSC 209

**Date:** 2004 11 24

**Docket:** S.H. 177818

**Registry:** Halifax

**Between:**

Kerry Bevis and Rasim Karela

Plaintiffs

and

CTV Inc., carrying on business as ATV/CTV,  
Constable Rick Burns and Constable Bob Kelly

Defendants

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**Judge:** The Honourable Justice Gerald R. P. Moir

**Heard:** September 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup>, 2004

**Subject:** Costs: New Tariff; Tariff vrs. Lump Sum

**Summary:** Karela recovered \$6,000 general damages and \$9,000 aggravated damages from CTV.

**Issues:** Whether new or old Tariff applies? Whether lump sum costs are appropriate?

**Result:** Except for the Chambers Tariff, the new Tariff applies only to costs where action was commenced after 29 September 2003. The old Tariff would be inadequate in this case. Although damages were only \$15,000, the jury's findings were necessary to vindication against a defamatory broadcast, which the jury found to have been reckless. The broadcaster should contribute substantially to cost of vindication. A lump sum of \$25,000 is ordered.

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