

SUPREME COURT OF NOVA SCOTIA

Citation: *Rhyno Demolition Inc. v. Nova Scotia (Attorney General)*, 2005 NSSC 147

Date: 20050603

Docket: S.H. 179668

Registry: Halifax

Between:

Rhyno Demolition Incorporated, a body corporate

Plaintiff

vs.

The Attorney General of Nova Scotia representing Her Majesty The Queen in Right of the Province of Nova Scotia and The Department of Transportation and Public Works for the Province of Nova Scotia and Dineen Construction (Atlantic) Inc., a body corporate

Defendant

LIBRARY HEADING

Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: May 25, 2004 in Halifax, Nova Scotia

Subject: Costs

Summary: Trial lasting eight days determined that Rhyno, the successful bidder on Phase A of the demolition of the Province's J.W. Johnston Building in Halifax. and Phase B was the second lowest bid by \$90,800 and failed to establish lowest tender was non-compliant.

Court unable to say that if Snyder's bid was non-compliant that Rhyno's tender would have been accepted and relationship between Dineen, Province of Nova Scotia with Rhyno established no cause of action by Rhyno against the Province of Nova Scotia.

Claim for Loss of Profit advanced in the range of \$332,000 to \$349,000
The Court determined, if Rhyno had been successful, loss fixed at \$185,000
Counsel heard on costs.

Counsel unable to agree on costs. Dineen seeks costs, disbursements and H.S.T.

RE: Rhyno Demolition v. AGNS, 2005 NSSC 147

Summary:

of \$54,786.95.85. Rhyno seeks the denial of costs to Dineen due to pre-trial conduct and contests several items of disbursements and in particular that the expert witness fee is excessive.

Issue: Determination of Costs

Result: Dineen's entitlement at Scale 3 of \$9,925 reduced 20% by pre-action conduct which resulted in unnecessary legal services by Rhyno. Taxed at \$7,940. Disbursements reduced to \$37,347.97.

The Province's costs taxed at Scale 2 at \$7,600 and only disbursement advanced: Discoveries - \$1,687.08.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***