

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Tamlyn v. Wilcox, 2010 NSSC 363

**Date:** 2010 10 07

**Docket:** SFHMCA-064146

**Registry:** Halifax

**Between:**

Matthew Tamlyn

Applicant

v.

Jennifer Wilcox

Respondent

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**Judge:** The Honourable Justice Leslie J. Dellapinna

**Heard:** Written Submissions received on behalf of the Applicant on July 12, 2010 and on behalf of the Respondent on August 10, 2010.

**Subject:** Costs

**Summary:** The Applicant applied for custody of the parties' daughter. The Respondent opposed the application and sought custody and permission to relocate with the child to Ontario. After a three day trial (which was preceded by three interim hearings, a settlement conference and an organizational pre-trial conference) the Applicant was successful. The Applicant subsequently sought costs based on the tariffs.

**Result:** Costs granted to the Applicant in the sum of \$2,500.00 inclusive of disbursements. Although the Applicant was largely successful tariff costs were not ordered because of the financial hardship such an award would cause to the Respondent, it would not have been in the best interest of the child as it would have limited the Respondent's ability to exercise access to the parties' daughter and would have limited her ability to support her other two children and she raised genuine issues at trial. The Respondent at the time of the trial and at the time of this decision was supporting herself on social assistance.

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