

SUPREME COURT OF NOVA SCOTIA

Citation: Shannon v. Frank George's Island Investments Ltd., 2015 NSSC 133

Date: 2015-04-30

Docket: Hfx No. 420496

Registry: Halifax

Between:

Joel Shannon, David and Dinah Grace, and Gower Holdings Limited

Applicants

– and –

Frank George's Island Investments Limited, Anton and Gabriele Viehbeck,
Seabright Holdings Limited and Paul Pleau

Respondents

– and –

The Attorney General of Nova Scotia

Intervenor

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Judge: The Honourable Justice James L. Chipman

Written

Submissions: April 23, 2015

Written Decision: April 30, 2015

Subject: Costs

Summary: Following a five day Application the Applicants and Respondents could not agree on costs. The Intervenor did not seek costs and no costs were sought against the Intervenor. The Applicants argued they were the successful party and should be awarded costs on a lump sum basis.

The Respondents agreed the Applicants successfully defended the Respondents claim but argued that since there were a number of other issues that were decided in their favor, there should be no costs award.

Issues: Should there be a costs award?

If so, on what basis should the costs award be made?

Result: Determined that since the Applicants were successful in the result of the overall case, they should receive costs. Ruled costs should be awarded on a lump sum basis as Tariff A found to have no application. Quantified the lump sum at \$100,000 and applied 60% of this figure resulting in an overall costs award of \$60,000 (inclusive of HST) plus disbursements and expert fees.

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