IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Okoro v. Nova Scotia Human Rights Commission, 2006 NSSC 257

Date: 20060822
Docket: SH 264678
Registry: Halifax

Between:

Dr. Daniel Okoro

Applicant

v.

Nova Scotia Human Rights Commission, Cape Breton Regional Hospital, Dr. Brian Foley and Keith MacDonald

Respondents

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: July 19, 2006 in Halifax, Nova Scotia

Final Written Representations On Costs: August 11, 2006

Subject: Chambers Costs

Summary: Dr. Daniel Okoro was a staff Psychiatrist at the Cape Breton Health Care complex from October, 2002 until he submitted his letter of resignation June 10, 2003. Subsequently, he completed an intake form and complaint against the hospital with the Nova Scotia Human Rights Commission. A review was conducted which resulted in a recommendation that the complaint not proceed. This resulted in further direction from the Board and, finally, a confirmation that the complaint of bias, racial discrimination, etc., did not warrant further consideration.

Dr. Okoro applied initially for mandamus but limited to certiorari to quash the decision of the Human Rights Commission; the application was dismissed. Counsel were entitled to be heard on costs.

Result: Starting point *CPR* 63.02 - costs follow the event "unless the Court otherwise orders". Counsel sought costs of $3,000.00 plus disbursements of $709.00. Applicant argues the dismissed application was a matter of public interest. The starting point that costs follow the event should always prevail unless there are circumstances warranting a deviation. Parties ought to know when they enter

litigation that there are costs consequences and the general likelihood of the amount of costs that they are exposed to in the event of being unsuccessful. Self-represented parties often make a plea that they cannot afford to pay costs and that they ought not to pay costs because they did not have a lawyer. With respect, the Rule does not differentiate and even self-represented parties should have CPR 63.02 applied against them when unsuccessful. See **Gilfoy v. Kelloway** (2000), 184 N.S.R. (2d) 226.

Departure from *CPR* 63.02 arises when there is a public interest that results in a public benefit from the litigation and no public benefit in these circumstances. Costs and disbursements taxed at $1,709.00 payable forthwith.

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