

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *Armour Group Ltd. v. Halifax (Regional Municipality)*, 2008 NSSC 123

Date: 20080703

Docket: S.H. No. 288775

Registry: Halifax

Between:

The Armour Group Limited

Plaintiff

v.

Halifax Regional Municipality, a body corporate

Defendant

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: March 17, 2008 in Halifax, Nova Scotia

Written Decision: July 3, 2008 (*COSTS*)

Subject: Costs - Chambers Tariff C

Summary: Armour Group sought and obtained a declaration that 1870 Upper Water Street was not designated as a Heritage Property. The Chambers Application commenced at 9:30 a.m. and involved briefs, argument and cross-examination on affidavits. It concluded at 12:12 p.m. Armour indicated it's legal fees were approximately \$35000 and sought party and party Chambers costs of \$27000.

Issue: Should costs be allowed in excess of Tariff C?

Result: Answered in the negative. The speed of escalation of legal fees is not one that the Court can or should try and keep pace with. Solicitors and clients are in the market place and set their own contractual fee and service conditions. The Court through its establishing of Tariffs is meant to provide a reasonable level of

recovery of party and party costs and the Court should adhere to the Tariffs unless special circumstances are established. New Tariffs are meant to provide a high level of certainty to litigants as to the degree of recovery they can reasonably anticipate should they be the recipient of an award of costs or the costs a party may be called upon to pay if unsuccessful.

This Chambers Application, while important to all the parties, did not have any special circumstances as indicated in the decision.

Armour awarded costs taxed in the amount of \$950 plus disbursements.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.**