

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Delaney*, 2010 NSSC 101

**Date:** 20100318

**Docket:** Hfx 303424

**Registry:** Halifax

**Between:**

Her Majesty The Queen

Respondent

v.

Timothy S. Delaney

Appellant

**Judge:**

The Honourable Justice M. Heather Robertson

**Heard:**

March 25, 2009, in Halifax, Nova Scotia

**Final Written**

**Submissions:**

February 16, 24 and March 5, 2010

**Written Decision:**

March 18, 2010 (**COSTS**)

**Counsel:**

Timothy S. Delaney, self-represented  
Kishan R. Persaud, for the respondent

**Robertson, J:**

[1] When this appeal was originally heard, I ordered that the matter be sent back for re-trial and stated that costs would follow the cause of that trial.

[2] Adjudicator Judith A. Gass found Mr. Delaney not guilty on the re-trial of the matter, but declined to deal with the matter of costs and suggested this Court review the issue of costs. I am doing so.

[3] Mr. Delaney is entitled to out-of-pocket expenses in pursuing this matter to its completion. He won the appeal, won at re-trial and has modest costs as he was self-represented.

[4] I award costs to cover out-of-pocket expenses in the amount of \$387.99. I will not award costs with respect to Mr. Delaney's lost vacation days.

Justice M. Heather Robertson