

SUPREME COURT OF NOVA SCOTIA
Citation: Heydari v. Ingram, 2010 NSSC 205

Date: 20100602
Docket: Hfx No. 311746
Registry: Halifax

Between:

Katayoun Heydari Plaintiff

and

Paul Ingram and Rebecca Ingram Defendants

and

Ali Nejat Third Party

DECISION on COSTS

Judge: The Honourable Justice Gerald R. P. Moir

Written Submissions: April 22 and May 4, 2010

Counsel: Peter Coulthard, Q.C., for the plaintiff and the
third party
Geoffrey Saunders, for the defendants

Moir, J.:

[1] The Ingrams successfully defended Ms. Heydari's motion for summary judgment. The range for costs under Tariff C is one to two thousand dollars. The Ingrams request \$2,000. Ms. Heydari suggests \$1,000.

[2] I agree with Mr. Coulthard's characterization of the evidence as "not particularly complicated", but I do not agree with "no more than would occur on a typical Chambers motion". I find that most seriously contested summary judgment motions require more assessment of evidence than on a typical contested chambers motion.

[3] Under Tariff C(4) the range of costs corresponds with length of hearing. The applicable provision reads, "More than ½ day but less than 1 day". The hearing in this case was at the longer end.

[4] It took me some time to sort through the evidence, even with the help of cross-examination and submissions. I extrapolate that the task of defending against the motion involved more cost than the range covers.

[5] I will grant an order awarding costs to the Ingrams at \$2,000 plus disbursements.

J.