

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Harrington v. Coombs, 2011 NSSC 141

Date: 2011 04 11

Docket: SFHPA-071113

Registry: Halifax

Between:

Bradley F. Harrington

Applicant

v.

Laurie A. Coombs

Respondent

Judge: Leslie J. Dellapinna, J.

Subject: Costs following Applications pursuant to the *Partition Act* and the *Maintenance and Custody Act*.

Summary: Following a one day trial the Court released a written decision which was favourable to the Applicant/husband. Both parties had exchanged offers to settle prior to trial.

The Applicant/husband's offer to settle very closely resembled the Court's decision. The Applicant sought costs. The Respondent argued that no costs should be payable because as was shown by her offer to settle the final Court decision, although very similar to the offer made by the Applicant, was not substantially different from that made by the Respondent.

She also argued that any award of costs must take into account the Respondent's responsibility to meet the needs of the parties' children.

Issue: Costs in a family proceeding.

Result: Costs were awarded to the Applicant in the sum of \$6,000.00 which was far less than that which he sought. The decision involved a discussion of the “amount involved” and the discretion of the Court in awarding costs. Costs were limited to \$6,000.00 in spite of the Applicant’s success because of the Respondent’s financial obligations to the children and her limited financial resources.

This information sheet does not form part of the court’s judgment. Quotes must be from the judgment, not this cover sheet.