

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Conrad v. Bremner, 2006 NSSC 99

Date: 20060329

Docket: SFH OTH 10325

Registry: Halifax

Between:

Diane Conrad

Applicant

v.

Thomas Bremner

Respondent

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Judge: The Honourable Justice Beryl MacDonald

Heard: June 24 and September 14, 2005 in Halifax, Nova Scotia

Decision: October 27, 2005 - Written Decision
March 29, 2006 - Decision on Costs

Subject: Party and party costs and disbursements

Summary: Following a decision for debt involving the interpretation of a document a counter claim for set off unjust enrichment, constructive trust and resulting trust the parties were required to provide written submissions if the issue of costs remained unsettled.

Issue: Which tariff of costs and fees applied? What was the amount involved for the purpose of applying the tariff? Should the amount involved be adjusted? What was the effect of an offer to settle? Does HST apply to party and party costs? What was the appropriate calculation of prejudgement interest?

Result: The amount involved was the amount awarded at trial. No adjustments were made to the amount involved. The offer to settle had the effect of doubling party and party costs for services rendered after the service of the offer. HST was applied to party and party costs. The time period for the application of prejudgement interest was from the date of the filing of the originating notice to the date when the order is taken out.

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