

SUPREME COURT OF NOVA SCOTIA

Citation: Hill v. Cobequid Housing Authority, 2011 NSSC 219

Date: 20110606

Docket: Tru No. 259625

Registry: Truro

Between: James Hill

Plaintiff

- and -

Cobequid Housing Authority and
Nova Scotia Housing Development Corporation

Respondent

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Judge: The Honourable Justice David MacAdam

Heard: April 6, 2011, in Truro, Nova Scotia

Subject: costs – financial circumstances as a factor – impecuniosity – lump sum costs – costs where counsel is a Crown employee

Summary: The plaintiff's claim for damages arising out of a slip and fall was dismissed with costs. The defendants sought costs pursuant to the tariff and disbursements. The plaintiff submitted that in view of his financial circumstances, there should be a lump sum costs award of zero dollars.

Issue: (1) Should there be an award of costs in view of the plaintiff's financial circumstances? (2) Should costs be according to the tariff, or in a lump sum? (3) Are the defendants entitled to costs where Counsel was a Crown employee?

Result: Costs were awarded as a lump sum. In view of the success of the defendants they were entitled to costs. However, the plaintiff's financial circumstances were relevant to determining the form and quantum of costs. The defendants were entitled to an award of

costs notwithstanding the fact that their counsel was a salaried Crown employee.

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