

SUPREME COURT OF NOVA SCOTIA

Citation: *Parker Mountain Aggregates Ltd. v. Nova Scotia (Environment)*, 2012 NSSC 26

Date: 20120120

Docket: Hfx No. 324761

Registry: Halifax

Between:

Parker Mountain Aggregates Limited

Appellant

v.

Nova Scotia (Minister of Environment),
Angela Vroom, Kurt Daye, Rhonda Daye and Mark Akin

Respondents

Judge: The Honourable Justice M. Heather Robertson

Written Submissions: September 30, October 15 and October 28, 2011

Release of Written Decision: January 20, 2012 (**COSTS**)

Counsel: John A. Keith, for the appellant, Parker Mountain Aggregates Limited
Darlene Willcott, for the respondent, Nova Scotia (Minister of Environment)
Jason T. Cooke, for the respondents, Angela Vroom, Kurt Daye, Rhonda Daye and Mark Akin

Robertson J.:

[1] Parker Mountain Aggregates Limited was unsuccessful in its appeal of the decision of the Minister of the Environment in upholding his department's decision to suspend Parker Mountain's quarry operation pursuant to s. 137 of the *Environment Act*.

[2] The matter was heard over two days on October 24, 2010 and November 16, 2010.

[3] The department proposes that they be awarded costs in the amount of \$4000 multiplied by three for a total of \$12,000.

[4] Residents adjacent to the quarry, were added as parties pursuant to a motion under *Rule 35.08*. Both the department and residents shared a common interest in opposing Parker Mountain's submissions.

[5] The residents also seek costs in the amount of \$4000 multiplied by three.

[6] The plaintiff argues for an award of \$2000 per day for the Attorney General i.e. \$4000 and a reduction sum of \$2000 for the respondent residents, to reflect their supportive, but less onerous role in the matter.

[7] *Rules 77.02(2)* and *77.03* apply along with *Tariff C*.

[8] This was a relatively complex matter with lengthy briefs. I agree with the views expressed by Moir J. in *Peach v. Nova Scotia (Department of Transportation and Infrastructure Renewal)*, 2010 NSSC 207:

. . . judicial reviews and appeals usually involve more work than is required on an ordinary motion. . . .

[9] This matter also involved a "standard of review analysis."

[10] I believe this to be a circumstance in which a multiplier ought to be used in making an award of costs.

[11] I fix the costs for the respondent the Attorney General at \$8000, using a multiplier of two.

[12] I fix the costs for the resident respondents at \$8000 also using a multiplier of two, as I believe no decrease in their costs is warranted.

[13] I will grant an order requiring Parker Mountain to pay \$8000 to each of the respondent Attorney General and respondent residents, plus actual disbursements.

Justice M. Heather Robertson