

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Gardiner v. Gardiner, 2007 NSSC 282

Date: 2007/10/16

Docket: 1204-003919

Registry: Kentville

Between: D. Mark Gardiner
Petitioner
v.
Lisa Gardiner
Respondent

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: June 13, 2007 in Kentville, Nova Scotia

Written Decision: October 16, 2007 (*COSTS*)

Subject: Costs in Matrimonial Action

Summary: The petitioner was self-represented at the interim hearing and one day Divorce trial. Solicitor sought solicitor and client costs arising out of the fact that the petitioner, a solicitor, was self-represented and somewhat lacking in objectivity.

Issue: Costs?

Result: No policy against costs in matrimonial matters. *Day v. Day* [1994] N.S.J. No. 112. Factors to be considered are as outlined in *Grant v. Grant* 2002 N.S.S.F. 2. There were difficulties requiring additional time in several case management conferences, etc., they were primarily rooted in the extreme financial difficulties of Mr. Gardiner, who was trying to manage and operate a sole practitioner law office. While some additional time was required due to his being unrepresented, it did not reach the magnitude to award a costs consideration. See *Gilfoy et al v N. Bruce Kelloway* (2000), 184 N.S.R. (2d) 266. Mixed success, determination, each party shall bear their own costs.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.

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