

SUPREME COURT OF NOVA SCOTIA

Citation: *Northeast Equipment Ltd. v. 3238633 Nova Scotia Ltd*, 2016 NSSC 347

Date: 20161206

Docket: Hfx No. 437820

Registry: Halifax

Between:

Northeast Equipment Limited

Applicant

v.

3238633 Nova Scotia Limited (formerly known as “G.A, Turner Plumbing & Heating Limited”),
1109082 Nova Scotia Limited (formerly known as “Greg Turner Plumbing and Heating
Limited”), Gregory A. Turner, Bernice Turner, Brenda Turner Schroder, and Leanne Turner
Wells

Respondents

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Judge: The Honourable Justice Patrick J. Murray

Written Decision: December 6, 2016

Subject: Costs

Summary: The Applicants submitted a maximum of \$5,000. plus disbursements would be an appropriate cost award and that the Respondents’ claim for solicitor client costs was not appropriate in the circumstances.

The Respondents claimed their actual legal expenses of \$25,300. plus disbursements of \$911.71 for a total of \$26,211.71.

Result: Court found there was an abuse of the Court’s process, due to inaction on the Applicant in carrying through with the Application. Court found a just cost award in these circumstances to be \$15,500. plus \$2,000. previously awarded for a total of \$17,500. plus disbursements.

The amount payable in costs to the Respondents shall be \$17,500.00 plus disbursements of \$911.71 for a total of \$18,411.71.

Cases/Rules cited: *Big X Holdings Inc v. Royal Bank of Canada*, 2015 NSSC 350; *Giffin v. Soontiens*, 2012 NSSC 354. *Civil Procedure Rules* 77.13; 10.03; 77.09; 88.02; 77.03; *Rule* 79.09; *Rule* 13; *Rule* 77.02; 77.11; 77.10.

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