

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Duncan v. Trisura Guarantee Insurance Company of Canada*,  
2018 NSSC 199

**Date:** 2018-05-16

**Docket:** Tru. No. 450644

**Registry:** Truro

**Between:**

Gregory Duncan and James White

Applicants

and

Trisura Guarantee Insurance Company of Canada

Respondent

**DECISION  
COSTS ENDORSEMENT**

**Judge:** The Honourable Justice Jeffrey R. Hunt

**Final Submissions** April 20, 2018

**on Costs:**

**Written Decision:** May 16, 2018

**Counsel:** Ronald Chisholm, Solicitor for the Applicants  
Gus Richardson Q.C., Solicitor for the Respondent

**By the Court:**

[1] I have reviewed and considered the positions of the parties. The path proposed by the Applicant would result in a cost figure of \$34,750.00 - \$49,750.00, plus disbursements. The Respondent presents an analysis which would yield an award of \$18,250.00, plus disbursements.

[2] This matter proceeded as an Application in Court. The issue was obviously important to both parties. It was a question and situation of some complexity. The parties worked in a very professional fashion to ensure the hearing proceeded efficiently and within the time constraints as set. In all, three Court days were required.

[3] This proceeding does not fully determine the legal issues between the parties. I do not conclude that it would be appropriate, in all the circumstances, to adopt \$500,000.00 as the “amount involved” and proceed from that point. To do so would be to pre-suppose the issues which may have to be determined in future.

[4] I conclude that the appropriate step at this point would be to set an amount involved of \$150,000.00 and assess costs on that basis together with the per diem and disbursements. This figure is partially derived from a reasonable estimate of

the legal defence costs which may be anticipated but perhaps, even more directly, it is drawn from an attempt to assess what figure would do justice between the parties.

[5] These issues were important to the Applicants. Given this importance a robust case was mounted. This was reasonable given the stakes. Adopting an amount of \$150,000.00, the tariff yields the following figures:

\$ 16,750.00	(Scale 2)
6,000.00	(Per Diem)
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<b>\$22,750.00</b>	

[6] The parties have advised the Court they were successful in agreeing on the disbursement amount. This has been agreed to be **\$4,913.03**. Accordingly, costs are assessed at **\$22,750.00** with disbursements of **\$4,913.03**.

J.