

**SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)**  
*Costey v. Rundle, 2019 NSSC 365*  
**ENDORSEMENT**

**December 10, 2019**

**Sharon Eileen Costey v. Robert William Rundle**  
**1201-069380; SFH-D 100062**

- Sharon Costey, self-represented
- Gordon R. Kelly for Robert Rundle

*Request for costs of \$1,000.00.*

**Decision:**

Ms. Costey shall pay Mr. Rundle costs of \$1,000.00 on or before January 31, 2020.

**Reasons:**

1. When Ms. Costey petitioned for divorce in March 2016, she claimed spousal support. In October 2018, she filed a motion to enforce an oral settlement she claimed the parties had reached. In the pre-conference summary she filed on August 16, 2019, Ms. Costey claimed the only outstanding issue was the property division and she confirmed at the conference on August 20, 2019, that she was withdrawing her claims for spousal support and for enforcement of the oral agreement she says the parties had reached.
2. Mr. Rundle asks for costs thrown away.
3. Mr. Rundle was required to prepare and file a Statement of Income and a Statement of Expenses to respond to the claim for spousal support: Civil Procedure Rule 59.22(2). Mr. Rundle seeks \$500.00 for the expense he incurred in preparing these Statements.
4. In support of her motion to enforce the oral agreement she said the parties reached, Ms. Costey filed a 38 page affidavit. There was lengthy discussion of this motion at the pre-hearing conference on October 25, 2018. I have earlier released an endorsement addressing when her motion would be heard: *Costey v. Rundle, 2018 NSSC 276*.

5. Mr. Rundle seeks \$500.00 for the expense he incurred in having counsel review Ms. Costey's motion, prepare for the pre-hearing conference and address the motion at the conference.
6. I may award costs "for any act or omission of a person in relation to a proceeding": Civil Procedure Rule 77.12(1).
7. Ms. Costey's submissions on costs were due on October 29, 2019. She filed no submissions then. After that date, her counsel was discharged and a new date for filing costs submissions was set. Ms. Costey filed her submissions, as required, by the new deadline.
8. Ms. Costey asks to be exempted from paying costs, saying she lacks the financial means to start or defend the proceeding and should be exempted from paying costs. She refers to the 1972 Civil Procedure Rules. Her request is governed by Civil Procedure Rule 77.04.
9. Ms. Costey has not filed a motion to be relieved from liability to pay costs and no motion is scheduled. Trial dates have been scheduled, so Ms. Costey requires leave if she is to bring any motion.
10. Ms. Costey began this action in March 2016. Mr. Rundle's request for costs has been outstanding since the parties attended a conference in August 2019.
11. It is appropriate that Mr. Rundle be awarded costs for the expenses he incurred to respond to Ms. Costey's claims. The amount sought is reasonable. Ms. Costey will pay Mr. Rundle \$1,000.00 on or before January 31, 2020.

---

Elizabeth Jollimore, J.S.C.(F.D.)