

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Charapovich v. Charapovich*, 2022 NSSC 195

Date: 20220711

Docket: No.1201-073530; SFHD - 122606

Registry: Halifax

Between:

Hanna Charapovich

Petitioner

v.

Vitali Charapovich

Respondent

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Judge: The Honourable Justice Elizabeth Jollimore

Written February 28, 2022, by Pavel Boubnov

Submissions: June 3, 2022 by Vitali Charapovich

Written Decision: July 11, 2022

Key words: Costs

Summary: Wife was successful in her application to deny recognition of a foreign (Belarusian) divorce and was awarded costs of \$2,000 in the cause.

Legislation: *Civil Procedure Rule 77*, Tariff C

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**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)
Citation: *Charapovich v. Charapovich*, 2022 NSSC 195
ENDORSEMENT**

July 11, 2022

Hanna Charapovich v. Vitali Charapovich
1201-73530; SFH-D 122606

Submissions: Pavel Boubnov for Hanna Charapovich on February 28, 2022
Vitali Charapovich on June 3, 2022

Decision: Vitali Charapovich will pay Hanna Charapovich costs of \$2,000 in the cause.

1. In February 2022, I granted Hanna Charapovich’s claim to deny recognition of a foreign divorce under section 22 of the *Divorce Act*, R.S.C. 1985 (2nd Supp.), c. 3 following a 3 hour hearing.
2. Ms. Charapovich now seeks costs of \$6,000. She says the amount involved was less than \$25,000 which justifies an award of \$4,000 under Tariff A and she should receive a further \$2,000 for the day of hearing.
3. Mr. Charapovich says that awarding Ms. Charapovich costs could be unfair to him, considering her “behavior and may not be in the best children’s interests”.
4. Mr. Charapovich alleges that she was untruthful or deliberately inaccurate, made false and misleading claims and lied under oath, but he has offered no proof of these allegations. He simply argues them in his submissions.
5. Ms. Charapovich made overly broad and general statements in her affidavit. These statements exaggerated circumstances that were not relevant to whether I should recognize the foreign divorce.

6. Mr. Charapovich suggested that Ms. Charapovich's opposition to the foreign divorce served no purpose but to delay the arrival of his partner to Canada (though his partner arrived in Canada before Ms. Charapovich's application was heard).
7. Applying the Tariff is the norm, and I must have a reason to depart from it.
8. We usually use Tariff A in the Family Division because, though most matters we hear are applications, they are more in the nature of trials. Here, however, the hearing was more consistent with an application, so I apply Tariff C.
9. Given the duration of the hearing, I award Ms. Charapovich costs of \$2,000 and I order they be payable in the cause.

Directions:

I have prepared the costs order which I enclose.

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