

SUPREME COURT OF NOVA SCOTIA

Citation: Fougere v. Blunden Construction Ltd., 2013 NSSC 412

Date: 20131126

Docket: Hfx No. 288177

Registry: Halifax

Between:

William Fougere

Plaintiff

and

Blunden Construction Limited

Defendant

and

Fowler Bauld & Mitchell Ltd.

Third Party

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Judge: The Honourable Justice Patrick J. Murray

Heard: By written submissions, July 12, 2013

Written Decision: November 26, 2013

Subject: Costs - *Rule 77*

Summary: The Third Party architectural firm brought a motion for Summary Judgment on the evidence (*Rule 13.04*), seeking to have the Defendant construction company's claim against it dismissed. Motion for Summary Judgment was dismissed. The Defendant sought costs in excess of Tariff "C" for a Chambers Motion. Third party claiming Tariff "C" costs were appropriate.

Issue: What is an appropriate award of costs? Did special circumstances exist?

Result:

Costs in excess of Tariff amount awarded considering the importance of Motion to parties and the amount of preparation time on the motion.

Civil Procedure Rule 77.08 considered.

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