

SUPREME COURT OF NOVA SCOTIA

Citation: Xceed Mortgage Corporation v. Jesty, 2014 NSSC 51

Date: 20140207

Docket: Ken No. 383099

Registry: Kentville

Between:

Xceed Mortgage Corporation and
Xceed Funding Corporation, a body corporate

Plaintiffs
(Defendants by Counterclaim)

v.

Albert Jesty

Defendant
(Plaintiff by Counterclaim)

LIBRARY HEADING

Judge: The Honourable Justice Michael J. Wood

Heard: November 22, 2013, in Kentville, Nova Scotia

**Final Written
Submissions:** January 2, 2014 (Re Costs)

Written Decision: February 7, 2014 (Re Costs)

Subject: Costs - Foreclosure proceeding - Solicitor Client
expenses

Summary: The plaintiffs succeeded in a one day trial and were given an order of foreclosure and sale. They claimed solicitor and client costs based upon a clause in the mortgage contract.

Issue: What costs should be awarded?

Result: The court agreed that the mortgage entitled the plaintiffs to solicitor and client costs but exercised its discretion to reduce the amount. Full reimbursement would have been unreasonable and unduly onerous in the circumstances. Disbursements reduced due to lack of supporting evidence.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***