

SUPREME COURT OF NOVA SCOTIA

Citation: Robert v. Brooks 2014 NSSC 149

Date: 20140423

Docket: Bwt. 391841

Registry: Bridgewater

Between:

Mark H. V. Robert

Plaintiff

- and -

Dr. Simon Alan Laurence Brooks

Defendant

Judge: The Honourable Justice C. Richard Coughlan

Last Submission: February 19, 2014. (Decision on Costs)

Counsel: Mark H. V. Robert, self represented
W. Harry Thurlow and Peter LeCain, counsel for the
Defendant

By the Court:

[1] In a written judgment issued February 4, 2014 I granted the motion of Dr. Simon Alan Laurence Brooks for summary judgment and dismissed Mr. Robert's action. I invited written submissions from the parties regarding costs within thirty days of the release of the judgment.

[2] The time for submissions has now passed. I have received a submission from Dr. Brooks. Mr. Robert has not filed a submission.

[3] The hearing of the motion took place over two days. The motion was first scheduled for September 26, 2013. At that hearing Mr. Robert was informed he could not be an expert in his own case. I also gave Mr. Robert directions as to the proper contents of an affidavit. Time was given to Mr. Robert to file any additional material he might wish to file. The hearing was adjourned to December 19, 2013. The hearing of the motion took place on December 19, 2013. The motion took over two hours when both September 23rd and December 19th, 2013 are considered.

[4] Costs in the proceeding are governed by Tariff C - costs following an application in Chambers. The relevant tariff is, "More than 1 hour but less than ½ day - \$750 - \$1,000". The sum of \$1,000.00 is the appropriate amount under that category.

Subsection 4 of Tariff C provides:

(4) When an order following an application in Chambers is determinative of the entire matter at issue in the proceeding, the Judge presiding in Chambers may multiply the maximum amounts in the range of costs set out in this Tariff C by 2, 3 or 4 times, depending on the following factors:

- (a) the complexity of the matter
- (b) the importance of the matter to the parties,
- (c) the amount of effort involved in preparing for and conducting the application. (such applications might include, but are not limited to, successful applications for Summary Judgment, judicial review of an inferior tribunal, statutory appeals and

applications for some of the prerogative writs such as certiorari or a permanent injunction.)

[5] This matter was not particularly complex. It was important to the parties. Dr. Brooks was required to make two appearances and file submissions. I consider a multiple of two is appropriate resulting in the sum of \$2,000.00. In addition to the \$2,000.00, Dr. Brooks should recover as disbursements the filing fees for his Defence of \$96.80 and Notice of Motion of \$64.00 for total costs of \$2,160.90.

Coughlan, J.