

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Royal Bank of Canada v. Manor Custom Homes Inc.*, 2014 NSSC 281

**Date:** 2014-07-17

**Docket:** *Halifax*, No. 412948

**Registry:** Halifax

**Between:**

Royal Bank of Canada

*Plaintiff*

v.

Manor Custom Homes Incorporated and James Drage

*Defendants*

**Judge:**

The Honourable Justice Peter P. Rosinski

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**Judge:**

The Honourable Justice Peter P. Rosinski

**Heard:**

May 7, 2014, in Halifax, Nova Scotia [last written submission  
May 16, 2014]

**Written Decision:** July 17, 2014

**Subject:**

Costs decision on summary judgment on evidence motion –  
CPR 13.04/appropriateness of “solicitor and client costs”

**Summary:**

The corporate Defendant defaulted on a demand loan, and a Visa card; and the individual was liable by way of a guarantee. The documents creating the financial obligations for the parties contained references that expressly addressed the Plaintiff's right to claim "solicitor and client costs". The Plaintiff was successful in an uncontested summary judgment motion. Written submissions were received in relation to the issue of costs. The Plaintiffs sought "solicitor and client costs" and provided an affidavit in support of same; alternatively the Plaintiff sought a "substantial indemnification" or pursuant to Tariff C costs award of \$1500. The Defendants argued for a Tariff C costs award of \$1500.

**Issues:** What is the proper costs award in the circumstances?

**Result:** (1) It would be "unfair and unduly onerous" to award "solicitor and client costs" in this case. Tariff C was inappropriate because the parties made provision contractually for a costs award at the termination of the proceedings, and the summary judgment motion here terminated the proceedings. Pursuant to Rule 77.08 it was appropriate to award a lump sum "substantial contribution" to the reasonable and necessary costs incurred by the Plaintiff. \$3000 inclusive of HST and disbursements awarded.

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