

BETWEEN:

LARRY MARKWART

APPELLANT

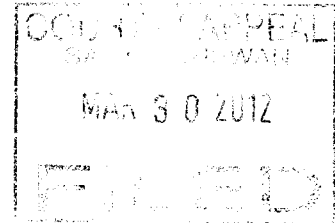
- and -

CITY OF PRINCE ALBERT, PETER HALAYKA, CITY OF PRINCE ALBERT BOARD OF POLICE COMMISSIONERS, DALE MCFEE, PRINCE ALBERT PARKLAND HEALTH REGION AUTHORITY and NANCY GAVERONSKI

RESPONDENTS

Peter V. Abrametz for the Appellant
Robert G. Kennedy, Q.C. for the Respondents

**Taxation before Melanie A. Baldwin
Registrar, Court of Appeal
March 30, 2012**



The appeal was dismissed with taxed costs to the Respondents [see Judgment of the Court dated October 21, 2011]. The Respondents took out an appointment for taxation and served that appointment for taxation, a proposed bill of costs and an affidavit of disbursements on the Appellant. The proposed bill of costs was taxed by me by telephone conference call with Mr. Abrametz and Mr. Kennedy on March 30, 2012 and this fiat represents my decision in relation thereto.

Authority for Taxation

Rule 54 of *The Court of Appeal Rules* provides for taxation of costs and indicates that Part Forty-Six of *The Queen's Bench Rules* applies, with any necessary modification, to a taxation of costs under Rule 54. Rules 563 and 564 in Division 3 of Part Forty-Six of *The Queen's Bench Rules* deal specifically with assessment of party and party costs.

Proposed Bill of Costs

The proposed bill of costs lists the following fees under Column 2 of the Court of Appeal Tariff of Costs:

3	Fee to Respondent on Notice of Appeal	\$ 125
8	Preparation of Factum	\$ 2000
9	All Other Preparation for Hearing	\$ 750

10	Appearance to Present Argument on Appeal before Court of Appeal	\$ 400
11	Preparing Formal Judgment	\$ 200
12	Correspondence	\$ 200
13	Preparation of Bill of Costs	\$ 150

The fees claimed total \$3825.

The proposed bill of costs also claims disbursements amounting to \$40 composed of \$20 for the Court's fee for issuing the Formal Judgment and \$20 for the Court's fee for issuing the appointment for taxation.

Positions of the Parties

The Respondents claim fees of \$3825 plus disbursements of \$40 for a total of \$3865 as per the proposed bill of costs. Mr. Abrametz was not able to obtain instructions from the Appellant so is not in a position to consent to the proposed bill of costs.

Decision


The fees claimed on the proposed bill of costs are all appropriately claimed by the Respondents on this appeal under Column 2 of the Court of Appeal Tariff of Costs. The Court's file confirms that the Respondents incurred the disbursements claimed on the proposed bill of costs.

The proposed bill of costs will be taxed as follows:

Taxed on: \$ nil
Taxed off: \$ nil

The proposed bill of costs is therefore taxed and allowed at \$3865 (\$3825 in fees, \$40 in disbursements). Mr. Kennedy may prepare and file a Certificate of Taxation of Costs to this effect (in Form C) for issuance, if necessary.

DATED at Regina, Saskatchewan, this 30th day of March, 2012


REGISTRAR – COURT OF APPEAL