

BETWEEN:

Blaine Kenneth Collins, Mark Joseph Collins and Bradley Kenneth Edward Collins

APPELLANTS

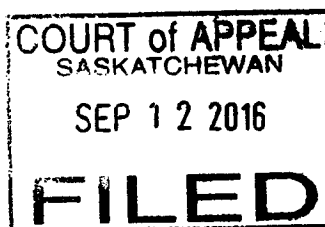
- and -

Resort Village of Saskatchewan Beach, Sharie Hall, Malcolm Graham, Lorna Friess, Dennis Day, Trevor Gates, Brian MacDonald, Randy John Grandish, Wenda Francis-Niels and Bentley Hilderman

RESPONDENTS

No one appearing for the Appellants  
Chris Clarke for the Respondents

**Taxation before Melanie A. Baldwin QC  
Registrar, Court of Appeal  
September 12, 2016**



Background

On July 25, 2012 Ottenbreit JA granted the respondents' application for perfection with taxable costs. A formal order to this effect was taken out by the respondents on August 15, 2012. The appeal proper was subsequently heard on January 16, 2013 and was decided on February 8, 2013. No order as to costs was made in relation to the appeal proper.

On August 24, 2016, the respondents took out an appointment for taxation and served that appointment and a proposed bill of costs on the appellants by registered mail. Proof of service was filed on September 8, 2016. A taxation hearing relating to the proposed bill of costs was held before me on September 12, 2016. Mr. Clarke was in attendance for the respondents. No one appeared for the appellants. This fiat represents my decision on taxation.

Proposed Bill of Costs

The proposed bill of costs claims fees totaling \$725 under column 2 of the Court of Appeal Tariff of Costs. The proposed bill of costs also claims a \$25 disbursement for the cost of filing the application for perfection. The total amount claimed is \$750.

Column

As noted above, the costs claimed relate to an application for perfection. Pursuant to Rule 54(1)(b) of *The Court of Appeal Rules*, where non-monetary relief is involved, column 2 of the Court of Appeal Tariff of Costs applies. The proposed bill of costs is therefore based on the appropriate column.

Fees

The proposed bill of costs claims fees of \$375 for a simple motion (item 4) and also claims \$200 for the brief of law filed on the motion (item 15). The simple motion fee is intended to include all documents filed on the motion prior to the chambers hearing. As such, the \$200 amount claimed for the brief of law will be taxed off. The proposed bill of costs properly claims \$150 for preparing the bill of costs (item 13).

The respondents prepared and took out a formal order following the chambers hearing. They are therefore entitled to claim the amount of \$200 (item 11). A taxation hearing was necessary as there was no consent to the proposed bill of costs. The respondents are therefore also entitled to claim \$75 (item 14). These two amounts will be taxed on.

Disbursements

The respondents are entitled to claim all court fees incurred in relation to the application for perfection and to the taxation hearing. In the proposed bill of costs, they claim \$25 for filing the application for perfection. They are also entitled to claim \$20 for issuing the formal order and \$20 for issuing the appointment for taxation. The Court's records confirm that all of these disbursements were paid by the respondents. The amounts for issuing the formal order and the appointment for taxation will be taxed on.


Decision

The proposed bill of costs will therefore be taxed as follows:

Taxed on:	\$ 315 (\$200 for item 11, \$75 for item 14, \$40 for court fees)
Taxed off:	\$ 200 (for item 15)

The proposed bill of costs is therefore taxed and allowed at \$865. Mr. Clarke may prepare and file a Certificate of Taxation of Costs to this effect (in Form 11d) for issuance.

DATED at Regina, Saskatchewan, this 12<sup>th</sup> day of September, 2016.

  
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REGISTRAR – COURT OF APPEAL