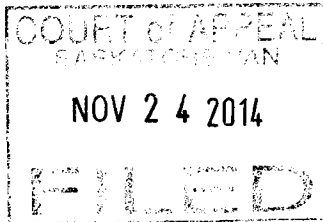


BETWEEN:

Leon Brian Sorenson

APPELLANT



- and -

Tamara Jayne Swales

RESPONDENT

Marcel Simonot, Q.C. for the Appellant  
 Larissa de Padua for the Respondent

**Taxation before Melanie A. Baldwin  
 Registrar, Court of Appeal  
 November 24, 2014**

On March 12, 2014, Chief Justice Richards, in Chambers, heard an application by the respondent asking for an order that the appellant perfect this appeal. Chief Justice Richards granted this relief and ordered costs of \$250 payable by the Appellant to the Respondent in any event of the cause.

The appeal was subsequently abandoned by the Appellant on April 15, 2014. On November 6, 2014, the Respondent took out an appointment for taxation and served that appointment for taxation and a proposed bill of costs on the Appellant. The proposed bill of costs was taxed by me by telephone conference call with Mr. Simonot and Ms. de Padua on November 24, 2014 and this fiat represents my decision in relation thereto.

#### Authority for Taxation

Rule 45 of *The Court of Appeal Rules* provides that, on abandonment of an appeal, the other party is entitled to its taxable costs without order. Rule 54 of *The Court of Appeal Rules* provides for taxation of 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
4	Simple Motions	\$ 375
11	Preparing Formal Order	\$ 200

12	Correspondence	\$ 200
13	Preparation of Bill of Costs	\$ 150
14	Taxation of Bill of Costs	\$ 75

The fees claimed total \$1125.

The proposed bill of costs also claims disbursements amounting to \$85 composed of \$25 for the Court's fee for filing the application to perfect, \$20 for the Court's fee for issuing the Formal Order, \$20 for the Court's fee for issuing the appointment for taxation and \$20 for the Court's fee for issuing the certificate of taxation.

Finally, the proposed bill of costs claims GST and PST on fees totaling \$112.50.

#### Positions of the Parties

The Respondent claims fees of \$1125 plus disbursements of \$85 plus GST/PST of \$112.50 for a total of \$1322.30 as per the proposed bill of costs.

The Appellant, through his counsel, did not take exception to any of the specific items claimed on the proposed bill of costs but wished to confirm that Column 2 is the appropriate column to apply to this appeal.

#### Decision

Column 2 applies "to the taxation of costs where non-monetary relief is involved" and is therefore the appropriate column to apply to this appeal.

With one exception, the fees claimed on the proposed bill of costs are all appropriately claimed by the Respondent on this appeal. As noted above, Chief Justice Richards ordered specific costs in the amount of \$250 for the application to perfect. Under these circumstances, that specific amount applies rather than the general "Simple Motion" amount listed in item 4. For this reason, the Respondent is entitled to claim \$250 for the application to perfect rather than \$375.

The Court's file confirms that the Respondent has incurred all of the disbursements claimed on the proposed bill of costs with the exception of the \$20 fee for issuing the certificate of taxation which presumably will be incurred in the near future.

The amounts for GST/PST must be adjusted in light of the fee change noted above.

The proposed bill of costs will be taxed as follows:

Taxed on:	\$ nil
Taxed off:	\$ 137.50 (\$125 off the simple motion amount and \$12.50 off GST/PST)

The proposed bill of costs is therefore taxed and allowed at \$1185 (\$1000 in fees, \$85 in disbursements and \$100 in GST/PST). Ms. de Padua should prepare and file a Certificate of Taxation of Costs to this effect (in Form 11d) for issuance.

DATED at Regina, Saskatchewan, this 24<sup>th</sup> day of November, 2014

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a small 'd'.

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REGISTRAR – COURT OF APPEAL