

Copper Sands Land Corporation

APPELLANT
(APPELLANT)

- and -

Ed Edwards

RESPONDENT
(RESPONDENT)David Brundige, Q.C. for Copper Sands Land Corporation
Eric Marcotte for Ed Edwards**Taxation before Melanie A. Baldwin, Q.C.
Registrar, Court of Appeal for Saskatchewan
June 6, 2017****Background**

[1] On January 27, 2017, the Court dismissed this appeal, indicating that Mr. Edwards would "have his costs of appeal in the usual manner." An appointment for taxation was taken out by Mr. Edwards, returnable before me on June 6, 2017. On June 6, 2017, Mr. Brundige and Mr. Marcotte appeared before me by telephone at the taxation hearing. This is my decision on the taxation.

Proposed Bill of Costs

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

1	Motion for Leave to Appeal (including brief and argument)	\$1500
3	Fee to Respondent on receipt of Notice of Appeal	\$ 125
6	Agreement as to Contents of Appeal Book	\$ 200
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 or order	\$ 200

13	Preparation of Bill of Costs	\$ 150
14	Taxation of Bill of Costs	\$ 75

The fees claimed total \$5400. The proposed bill of costs also claims disbursements of \$67.50 composed of \$22.50 for courier fees, the \$20 fee for issuing the appointment for taxation and a \$25 fee for filing the respondent factum. At the taxation hearing, the \$25 court fee was changed from a factum filing fee (there is no fee to file a respondent factum) to the fee for filing an application for perfection which resulted in a consent order.

Issue

[3] With the one change noted above, counsel for Copper Sands Land Corporation took no issue with the fee items and disbursements claimed on the proposed bill of costs. The costs are therefore taxed as follows:

1	Motion for Leave to Appeal (including brief and argument)	\$1500
3	Fee to Respondent on receipt of Notice of Appeal	\$ 125
6	Agreement as to Contents of Appeal Book	\$ 200
8	Preparation of Factum	\$2000
9	All other preparation for hearing	\$ 750
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11	Preparing formal judgment or order	\$ 200
13	Preparation of Bill of Costs	\$ 150
14	Taxation of Bill of Costs	\$ 75

The total fees allowed are \$5400.

[4] As for disbursements, the amount claimed was \$67.50, which is allowed.

[5] Mr. Edwards is also entitled to GST and PST on fees and on the courier disbursement. The proposed bill of costs claims \$540 in GST and PST on fees – this is allowed. The proposed bill of costs claims \$1.13 in PST on the courier disbursement which is also allowed. The amount of GST on the courier disbursement should also be \$1.13, rather than the \$3.38 claimed which appears to include a consideration of the court fees as well as the courier fee.

[6] The proposed Bill of Costs is therefore taxed and allowed at **\$6009.76** (\$5400 in fees + \$540 GST /PST on fees + \$ 67.50 in disbursements plus \$2.26 GST/PST on disbursements). Mr. Marcotte may prepare and file a Certificate of Taxation of Costs to this effect (in Form 11d) for issuance if necessary.

DATED at Regina, Saskatchewan, this 6th day of June, 2017



REGISTRAR – COURT OF APPEAL