

Dr. Satyam Patel

PROSPECTIVE APPELLANT

- and -

The Saskatchewan Health Authority

PROSPECTIVE RESPONDENT

- and -

The Practitioner Staff Appeals Tribunal

PROSPECTIVE RESPONDENT

Tony Merchant for Dr. Patel
Brian Lunde for the Saskatchewan Health Authority

**Taxation before Melanie Baldwin, Q.C.
Registrar, Court of Appeal for Saskatchewan
December 5, 2019**

Background

[1] The prospective appellant applied for leave to appeal decisions of the Court of Queen's Bench. The application for leave to appeal was filed on October 1, 2019 and was heard on October 9, 2019. On October 10, 2019, Justice Schwann dismissed the application for leave to appeal "with costs."

[2] The Saskatchewan Health Authority took out an appointment for taxation of costs returnable before me on December 5, 2019. On December 2, 2019, counsel for the prospective appellant advised by email that he did not currently intend to participate in the assessment. On December 4, 2019 I received a letter dated November 29, 2019 from counsel for the prospective appellant. In that letter, counsel advised as follows: "If this is under the proper column, I do not intend to attend and I will not be making submissions."

[3] On December 5, 2019, I advised counsel for the Saskatchewan Health Authority that I had no questions about the proposed bill of costs and that an oral hearing was therefore not necessary.

[4] This fiat is my decision on the taxation.

Proposed Bill of Costs

[5] The appellant filed a proposed bill of costs. The proposed bill of costs lists the following fees under column 2 of the Court of Appeal Tariff of Costs (the "Tariff"):

1	Motion for Leave to Appeal	\$1500
11	Preparing Formal Order	\$ 200
12	Correspondence	\$ 200
13	Preparation of Bill of Costs	\$ 150

The fees claimed total \$2050.

Issue

[6] The only issue raised by the prospective appellant through his counsel is which column of the Tariff is appropriate under the circumstances.

Analysis

Appropriate Tariff Column

[7] The Saskatchewan Health Authority claims under column 2 of the Tariff. Pursuant to Rule 54(1)(b) of *The Court of Appeal Rules*, column 2 applies to the taxation of costs "where non-monetary relief is involved." I agree that the subject matter of the prospective appellant's application for leave involved non-monetary relief. It is therefore appropriate to tax the Saskatchewan Health Authority's costs under column 2 of the Tariff.

Decision

[8] The fee items claimed on the proposed bill of costs are taxed and allowed under column 2 of the Tariff as follows:

1	Motion for Leave to Appeal	\$1500
11	Preparing Formal Order	\$ 200
12	Correspondence	\$ 200
13	Preparation of Bill of Costs	\$ 150

The fees allowed total \$2050.

[9] The proposed bill of costs is therefore taxed and allowed at **\$2050**. The Saskatchewan Health Authority may wish, for enforcement purposes, to prepare and file a certificate of taxation of costs in Form 11d in this amount for issuance.

DATED at Regina, Saskatchewan, this 5th day of December, 2019.



REGISTRAR – COURT OF APPEAL