Court of Appeal for Saskatchewan
Docket: CAC4439 **Date: 2025-06-19**

Mia Hollinger	Appellant (Plaintiff)
and	
SaskTel Centre, Will Lofdahl and City of Saskatoon	Respondents (Defendants)

Before: Amy Groothuis, Registrar (on June 18, 2025)

Fiat

I. Introduction

[1] Mia Hollinger appealed from an order of a Court of King's Bench judge that struck her claim against the City of Saskatoon [City] for failing to disclose a reasonable claim. Ms. Hollinger's claim against two other defendants – SaskTel Centre and Will Lofdahl – was unaffected by the City's successful application to strike; they took no position on the appeal.

[2] On April 11, 2025, Ms. Hollinger's appeal was dismissed, with the Court awarding costs to the City in the usual manner. The City thereafter had the formal judgment issued, and it took out a Notice of Appointment for Taxation of Costs, supported by a proposed Bill of Costs and an affidavit of disbursements. Following a hearing on June 18, 2025, attended by counsel for both parties, this fiat reflects my decision on the assessment of costs owed to the City.

II. Proposed Bill of Costs

[3] The City's proposed Bill of Costs relies on Column 2 of the Court of Appeal Tariff of Costs [Tariff], as follows:

3.	Fee to Respondent on receipt of Notice of Appeal	$ 125.00
8.	Preparation of Factum	$2,000.00
9.	All Other Preparation of Hearing	$ 750.00

10.	Appearance to present argument on appeal	$ 400.00
11.	Preparing formal order or judgment	$ 200.00
12.	Correspondence	$ 200.00
13.	Preparation of Bill of Costs	$ 150.00
14.	Taxation of Bill of Costs	$ 75.00

[4] The fees claimed by the City total $3,900, plus disbursements in the amount of $58.25, which includes court filing fees ($40.00) and photocopying fees ($18.25). Although one of the court filing fees had not been included on the Bill of Costs originally filed, at the taxation hearing the City requested that the second court filing fee be added to its claimed disbursements; Ms. Hollinger took no position on this request. A review of the court file confirms that the City paid the associated court filing fee on two occasions, for a total cost of $40.00, and I conclude that these are properly included disbursements.

III. Issues

[5] Counsel for Ms. Hollinger confirmed at the beginning of the hearing that the only issue was the appropriate Column, and that none of the specific Tariff items or the disbursements were in dispute. In Ms. Hollinger's submission, Column 1 applies as her damages against the City do not total more than $50,000, bringing them within the limit that Column imposes. Conversely, the City takes the position that Ms. Hollinger's appeal involved non-monetary relief with the result that Column 2 applies.

[6] In support of its position, the City relies on *Shinkaruk Enterprises Ltd and Peter Shinkaruk v City of Saskatoon*, CACV3192, June 13, 2019 (Baldwin) [*Shinkaruk*], where the Registrar taxed the costs in an appeal following a decision of a judge of the Court of Queen's Bench (as it then was) that struck the plaintiff's statement of claim. In concluding that the costs were appropriately taxed on Column 2 as involving non-monetary relief, Registrar Baldwin (as she then was) wrote:

> [17] The traditional approach taken by registrars of the Court of Appeal is to look at the amount involved in the appeal, not the amount involved in the proceeding in the Court of Queen's Bench. The amount involved in the appeal is determined by reviewing the notice of appeal and appellant factum to see what relief is claimed. This is also the approach followed by Richards, J.A. (as he then was) in *Farmers of North America Incorporated v Bushell*, 2013 SKCA 65.
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> [18] In their notice of appeal and written argument, the appellants asked the Court to "dismiss" the decision of the Court of Queen's Bench which struck their statement of claim against the respondent. The appellants were not successful so the Court of Queen's Bench decision striking their statement of claim stands.

> [19] While there likely was a quantifiable amount of money at issue in the appellants' action against the respondent in the Court of Queen's Bench (had that proceeding not been struck), that amount of money was not at issue in this appeal. In my opinion, the relief sought in the appeal was non-monetary (overturn the decision striking the statement of claim thus allowing the litigation to proceed in the Court of Queen's Bench) as was the relief granted. 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. 1 will therefore tax the respondent's costs on column 2.

IV. Analysis

[7] There is no dispute between the parties that where an appeal involves non-monetary relief, Column 2 of the Tariff applies: Rule 54(1)(b) of *The Court of Appeal Rules* [Rules]. The real issue in this assessment of costs comes from the disagreement over whether "non-monetary relief" relates to the underlying claim or to the relief sought on appeal.

[8] In arguing that the proper approach is to examine the value of the underlying claim, counsel for Ms. Hollinger placed considerable focus on the language of Rule 54(1)(a), which requires that "the costs of an appeal…shall be taxed as between party and party by the registrar in accordance with the fees set out in the appropriate column" of the Tariff. Using the modern approach to statutory interpretation, and in order to give meaning to every word, counsel submits that this must be read prior to, and as I understand his point, as overriding the following provision contained in Rule 54(1)(b), which indicates that Column 2 applies where non-monetary relief is involved.

[9] In response, counsel for the City focused on Rule 54(1)(b)'s language that non-monetary relief is *involved*, not "claimed". In this instance, the statement of claim did not seek a specific amount of damages, and counsel argued that permitting an appellant to argue – after an appeal was disposed of – that a struck claim would have been valued at less than $50,000, such that Column 1 would apply, creates uncertainty.

[10] Respectfully, my read of Rule 54(1)(b) is not as complex as Ms. Hollinger seeks. Effectively, Rule 54(1) requires that unless otherwise ordered by the Court or a judge, the costs of an appeal or an application will be taxed in accordance with the Tariff *and* that Column 2 applies when non-monetary relief is involved. I am unable to agree with Ms. Hollinger that Rule 54(1)(a) can be read so as to conclude what does or does not constitute "non-monetary relief".

[11] As noted above in *Shinkaruk*, the question of whether non-monetary relief is involved has historically been resolved by examining the relief sought in the notice of appeal and the appellant's factum. Recent taxation decisions that have taken this approach include *Lloyd Hanna v Nancy Beckman*, CACV3053, April 8, 2019 (Baldwin), *Janet Milburn v Jason Sansom*, CACV4025, May 12, 2023 (Groothuis), and *Hoedel v Westjet et al*, CACV3864, February 21, 2024 (Groothuis).

[12] There are not many decisions of the Court or a judge of the Court of Appeal that reflect upon what constitutes "non-monetary relief". However, a quick review indicates that in *Phillips Legal Professional Corporation v Schenher*, 2020 SKCA 117, the Court concluded at paragraphs 32-34 that costs in that appeal were to be taxed under Column 2, on the basis that the subject of

the appeal was the amendment of the formal judgment to exclude certain provisions relating to payment of trust monies, which constituted non-monetary relief, even recognizing that the appellant had been granted judgment in the amount of approximately $48,000. This authority confirms, in my mind, that when ascertaining whether non-monetary relief was involved, the focus is properly on the relief sought on appeal. Although perhaps not determinative of the broader question, I also note that in this instance, the value of the claim Ms. Hollinger sought against the City was neither determined by the Chambers judge nor was it set out in the statement of claim.

[13] The above decisions confirm that determining whether non-monetary relief is involved in an appeal requires examining the notice of appeal and the appellant's factum – in essence, what relief is sought by the appellant on an appeal. In this instance, Ms. Hollinger's notice of appeal requested that the Court of Appeal overturn the Chambers judge's decision "with respect to striking the claims against the City of Saskatoon in the Appellant's Statement of Claim", and as such I conclude that she was seeking non-monetary relief with the result that the City's costs are to be taxed pursuant to Column 2 of the Tariff.

V. Decision

[14] As a result of the above, I tax the City's cost on Column 2 of the Tariff:

3.	Fee to Respondent on receipt of Notice of Appeal	$ 125.00
8.	Preparation of Factum	$2,000.00
9.	All Other Preparation of Hearing	$ 750.00
10.	Appearance to present argument on appeal	$ 400.00
11.	Preparing formal order or judgment	$ 200.00
12.	Correspondence	$ 200.00
13.	Preparation of Bill of Costs	$ 150.00
14.	Taxation of Bill of Costs	$ 75.00
		$3,900.00

[15] The proposed bill of costs is therefore taxed and allowed at $3,900, plus disbursements in the amount of $58.25.

[16] The City of Saskatoon is therefore entitled to receive $3,958.25 from Mia Hollinger for the taxable costs related to the dismissal of her appeal. For enforcement purposes, the City may wish to prepare and file a certificate of taxation of costs in Form 11d in the amount of $3,958.25 for issuance.

amy Groothuis

Registrar, Court of Appeal for Saskatchewan

Counsel: Steve Seiferling, for Mia Hollinger
Alan Rankine, for the City of Saskatoon