
*Larry Mosiuk, also known as Eddy Larry
Mosiuk, also known as Edward Larry
Mosiuk, also known as Larry Edward
Mosiuk, and Joy Skrapek*

Appellants

and

BASF Canada Inc.

Respondent

Before: Kamara Willett, Registrar (on October 28, 2025)

Fiat

I. Introduction

[1] Larry Mosiuk, also known as Eddy Larry Mosiuk, also known as Edward Larry Mosiuk, also known as Larry Edward Mosiuk, and Joy Skrapek (together, the “Appellants”) appealed from the order of judge of the Court of King’s Bench which authorized BASF Canada Inc. (“BASF”) to enter onto Mr. Mosiuk’s land. The order also authorized BASF to take leaf samples from the canola crop and conduct destructive testing on those leaves to determine whether the crop had been grown in violation of BASF’s rights.

[2] On June 19, 2025, the Appellants’ appeal was dismissed, with the Court awarding costs to BASF in accordance with Rule 54(1) of *The Court of Appeal Rules*. BASF has issued formal judgment and taken out a Notice Appointment for Taxation of Costs, supported by a proposed Bill of Costs. A hearing was conducted before me on October 28, 2025, at which Mr. Mosiuk and counsel for BASF both made submissions. What follows is my decision on the assessment of costs owed to BASF.

II. Proposed Bill of Costs

[3] BASF filed a proposed Bill of Costs which relies on Column 2 of the Court of Appeal Tariff of Costs (the “Tariff”). BASF claims the following Tariff items:

3. Fee to Respondent on receipt of
Notice of Appeal \$ 125.00

6.	Agreement as to Contents of Appeal Book	\$ 200.00
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

[4] BASF claims a total of \$4,025.00, plus an additional \$75.00 in relation to its appearance at the taxation hearing in accordance with Tarriff item 14, for a total of \$4,100.00.

III. Preliminary matters

[5] At the outset of the hearing, counsel for BASF informed me that he understood Mr. Mosiuk may be seeking an adjournment of the proceedings to allow him additional time to prepare. I asked Mr. Mosiuk if it was his intention to seek an adjournment, and after some discussion Mr. Mosiuk confirmed that he wished to proceed with the hearing as scheduled. On the basis of Mr. Mosiuk's representation, I did not adjourn the taxation hearing and heard submissions from both parties regarding the content of the proposed Bill of Costs.

IV. Issues

[6] The proposed Bill of Costs prepared by BASF relies on Column 2 of the Tarriff. Counsel for BASF takes the position that the underlying appeal involved non-monetary relief, and thus it is appropriate to claim costs pursuant to Column 2.

[7] Mr. Mosiuk did not dispute BASF's entitlement to any specific Tarriff item; rather, his submissions focused on the notion that the costs payable to BASF ought to be calculated pursuant to Column 1 of the Tarriff instead of Column 2. Accordingly, the only issue for me to decide is the appropriate Column of the Tarriff to be used to calculate costs.

V. Analysis

[8] The Court awarded costs to BASF calculated pursuant to Rule 54 of *The Court of Appeal Rules*. Rule 54(1) addresses the which Column of the Tarriff applies, and that provision reads as follows:

54(1) Unless otherwise ordered:

(a) the costs of an appeal or application 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 OF COSTS IN THE COURT OF APPEAL” which is attached as Schedule 1 to these Rules; and

(b) Column 2 of Schedule 1 applies to the taxation of costs where non-monetary relief is involved.

[9] The dispute between the parties is grounded in the nature of the relief at issue in the appeal. BASF notes that that the appeal dealt with an order granting an injunction. BASF says that an injunction constitutes non-monetary relief, and thus Column 2 ought to apply.

[10] Mr. Mosiuk disagrees. He argues that BASF gave an undertaking as to damages when it made its application for an injunction, and that BASF’s undertaking in this respect is sufficient to bring the relief sought into the real of monetary relief. On this basis, Mr. Mosiuk argues that costs should be calculated in accordance with Column 1.

[11] The well-established approach to the application of the term “non-monetary relief” has been for the Registrar to examine the notice of appeal and the appellant’s factum and determine the nature of the relief sought: *Lloyd Hanna v Nancy Beckman*, CACV3053, April 8, 2019 (Baldwin), *Marguerite Kirk and Paul Kirk v Gerald Kirk et al*, CACV3022, December 12, 2017 (Baldwin), *Lorne Hoedel v WestJet Airline Ltd. et al*, CACV3864, February 21, 2024 (Groothuis), *Janet Milburn v Jason Sansom*, CACV4025, May 12, 2023 (Groothuis), and *Eddy Larry Mosiuk and Patricia Skrapek v Brent Alan Black*, CACV4298, April 30, 2025 (Groothuis).

[12] I see no reason to depart from this sensible approach, and have reviewed the Notice of Appeal and factum filed by the appellants. The Notice of Appeal seeks to set aside a decision of the Court of King’s Bench granting an injunction permitting BASF to enter Mr. Mosiuk’s land and obtain crop samples. The grounds of appeal set out in the Notice of Appeal focus on issues of jurisdiction, the improper admission of evidence, and the alleged misapplication of the legal test for the granting of injunctive relief. These grounds of appeal were further advanced in the appellant’s factum, with the requested relief being that the orders in the Court below be set aside and a direction that BASF destroy all the samples and test results arising from the injunction.

[13] Neither the lower Court nor the Court of Appeal whether damages were suffered by either party, no did they consider the value of any such damages. I am satisfied that in this instance, the appellants sought non-monetary relief and Column 2 applies to the taxation.

VI. Decision

[14] As a result of the above, I tax the BASF’s costs on Column 2 of the Tariff:

3.	Fee to Respondent on receipt of Notice of Appeal	\$ 125.00
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6.	Agreement as to Contents of Appeal Book	\$ 200.00
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	<u>\$ 75.00</u>
		\$4,100.00

[15] The proposed bill of costs is therefore taxed and allowed at \$4,100.00.

[16] BASF is therefore entitled to receive \$4,100.00 from the appellants for the taxable costs related to the dismissal of their appeal. For enforcement purposes, BASF may wish to prepare and file a certificate of taxation of costs in Form 11d in the amount of \$4,100.00, to be issued.



Kamara Willett
Registrar, Court of Appeal for Saskatchewan

Counsel: Larry Mosiuk, on his own behalf and on behalf of the Appellants
Michael Marschal, for BASF Canada Inc.