

Federal Court



Cour fédérale

Date: 20140113

Docket: T-2141-12

Citation: 2014 FC 29

Ottawa, Ontario, January 13, 2014

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

FOX LAKE CREE NATION

Applicant

and

DENIS ANDERSON

Respondent

REASONS FOR ORDER AND ORDER
(WITH RESPECT TO COSTS)

[1] The Fox Lake Cree Nation [FLCN] was successful in the application and was awarded its costs. The parties have provided written submissions on quantum.

[2] The Attorney General of Manitoba, who participated in the application, advised that in the event the application was dismissed, it was not seeking costs and the Court understands that the Applicant is not seeking any costs from the Attorney General. None will be ordered.

[3] The Applicant has provided detailed submissions in support of its position that it ought to be awarded costs in accordance with Column IV or V of Tariff B and has provided a Bill of Costs in accordance with Column III that results in fees of \$6,011.60, including taxes, which together with disbursements of \$840.24 results in a total \$6,851.84.

[4] The Respondent has provided a cursory response stating “that the Applicant should be allowed no more than \$1,500.00 for fees plus allowable disbursements as the hearing took less than one day and there was no need for second counsel.”

[5] I agree with the submissions of the Applicant that the matter was important and complex, involving a constitutional question, that more work was required by it to ensure that the full record was before the Court, including providing notice to the Attorneys General. It is also noted that the Applicant offered to settle the costs issue in the global sum of \$5,000.00 but that offer was rejected by the Respondent, thus requiring the Applicant to incur additional fees in preparing its costs submissions.

[6] Nonetheless, and in spite of the importance and complexity of the issue, I am of the view that an award of costs in excess of Column III is not warranted. In my discretion, however, I do award the Applicant costs for two counsel at the hearing, in light of these considerations.

ORDER

THIS COURT ORDERS that the Applicant is awarded its costs of the application, as against the Respondent, Denis Anderson, fixed at \$6,851.84, inclusive of fees, disbursements and taxes.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2141-12

STYLE OF CAUSE: FOX LAKE CREE NATION v DENIS ANDERSON

PLACE OF HEARING: Winnipeg, Manitoba

DATE OF HEARING: November 6, 2013

**REASONS FOR ORDER
AND ORDER BY:** ZINN, J.

DATED: January 13, 2014

APPEARANCES:

Robert A. Watchman / Todd C. Andres	FOR THE APPLICANT
Lyle M. Smordin	FOR THE RESPONDENT
Michael Bodner	FOR THE INTERVENER THE ATTORNEY GENERAL OF MANITOBA

SOLICITORS OF RECORD:

PITBLADO LLP Barristers and Solicitors Winnipeg, Manitoba	FOR THE APPLICANT
SMORDIN, PAULS & ASSOCIATES Barristers & Solicitors Winnipeg, Manitoba	FOR THE RESPONDENT
THE HONOURABLE ANDREW SWAN Attorney General of Manitoba Winnipeg, Manitoba	FOR THE INTERVENER

