

NOVA SCOTIA COURT OF APPEAL

Citation: *United Parishes of St. George and St. Patrick v. Guy*, 2006 NSCA 127

Date: 20061120

Docket: CA 267655

Registry: Halifax

Between:

The Rector and the Wardens of the United
Parishes of St. George and St. Patrick

Appellant

v.

Daniel G. Guy

Respondent

Judges: Roscoe, Oland and Fichaud, JJ.A.

Appeal Heard: November 20, 2006

Written Judgment: November 21, 2006

Held: Appeal dismissed with costs per oral reasons for judgment of Oland, J.A.; Roscoe and Fichaud, JJ.A. concurring.

Counsel: Ann E. Smith for the appellant
John Shanks and Heather Goodfellow for the respondent

Reasons for judgment:

[1] The scope of appellate review on the issue of costs is narrow. This court will not interfere in a trial judge's exercise of discretion unless wrong principles of law have been applied, or the decision is so clearly wrong as to amount to a manifest injustice: *Founders Square Ltd. v. Coopers & Lybrand* (1999), 179 N.S.R. (2d) 375 (N.S.C.A.) at ¶ 46.

[2] The appellant submits that the trial judge made a clearly wrong and patently unreasonable decision in setting the amount of costs awarded to it. We are unanimously of the view that, in the circumstances of this case, the award of costs was not so inordinately low as to be so clearly wrong as to amount to a manifest injustice.

[3] We would dismiss the appeal, with costs of \$750.00 plus disbursements as agreed or taxed.

Oland, J.A.

Concurred in:

Roscoe, J.A.

Fichaud, J.A.