

<b><u>CASE NO.</u></b>	<b><u>VOL. NO.</u></b>	<b><u>PAGE</u></b>
SHAWNA KATHLEEN MacKAY (Appellant)	- and -	CHRISTIAN WERNER BUCHER (Respondent)
CA 173494	Halifax, N.S.	BATEMAN, J.A. (Orally)

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[Cite as: MacKay v. Bucher, 2001 NSCA 171]

**APPEAL HEARD:** November 27, 2001

**JUDGMENT DELIVERED:** November 27, 2001

**WRITTEN RELEASE OF ORAL:** November 28, 2001

**SUBJECT:** Solicitor-client costs

**SUMMARY:** Respondent successfully applied for an order for solicitor-client costs following a successful defence of an application to vary child support. As found by the trial judge the appellant had knowingly filed a false and misleading affidavit causing the respondent to incur substantial expense in disproving the false assertions. Accordingly, the respondent received 75% of his solicitor-client costs. On appeal the decision of the trial judge was reversed. Costs had not been determined by the trial court at the time of the appeal hearing. Appellant sought reversal of the solicitor-client costs award.

**ISSUES:** Should the order for costs be reversed?

**RESULT:** Appeal dismissed. In these unusual circumstances we are not persuaded that the decision of the trial judge reflects error nor was there a manifestly unjust result. Fact specific.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.