

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

WAYNE MARTIN

Plaintiff

-and-

NORTHWEST TERRITORIES POWER CORPORATION

Defendant

MEMORANDUM OF JUDGMENT AS TO COSTS

- [1] The defendant brought a motion to compel further production of documents from the plaintiff. A special chambers date was set for the hearing. Defendant's counsel prepared and filed a chambers brief (as required by the Rules of Court). A few days prior to the hearing plaintiff's counsel notified defendant's counsel that they will consent to the relief sought. The only outstanding issue is costs.
- [2] There are various rules that give the court discretionary power to award costs in the event of an adjournment or cancellation of a special chambers date (Rules 393 and 394) or where there has been non-compliance (Rule 395). Here the defendant was forced to take steps which only at a late hour turned out to be unnecessary. The defendant should therefore have its costs of the steps taken with respect to this motion.

- [3] The defendant shall have its costs, which I fix in the sum of \$500.00 (inclusive of disbursements), in any event of the cause.

J. Z. Vertes J.S.C.

Dated at Yellowknife, Northwest Territories
this 2nd day of March, 2000.

To: Douglas G. McNiven
Counsel for the Plaintiff

Sheila M. MacPherson
Counsel for the Defendant