

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

ALAN KAYLO

Petitioner

-and-

KELLY MARIE KAYLO

Respondent

MEMORANDUM OF RULING ON COSTS

[1] The Petitioner, who was successful on his application as described in *Kaylo v. Kaylo*, 2005 NWTSC 1, seeks solicitor/client costs of that application.

[2] The Respondent responds that costs, if awarded at all, should be payable on a party party basis only.

[3] Having read the submissions filed, I find that this is not a case where the Respondent's conduct can be characterized as reprehensible, scandalous or outrageous. Nor does it call out for the Court to use costs to mark disapproval of the Respondent's conduct: *Woodley v. Yellowknife Education District*, 2000 NWTSC 7.

[4] The application was argued in a regular Chambers hearing of short duration and the issues were succinctly stated. I see no reason to depart from the current tariff in these circumstances. Nor do I consider the photographs to be relevant, as the Respondent suggests they are, as that issue was adjourned and not argued before me.

[5] The Petitioner will have his costs on a party party basis.

VA. Schuler  
J.S.C.

Dated at Yellowknife, NT this  
21<sup>st</sup> day of March, 2005.

Counsel for the Applicant: Katherine R. Peterson, Q.C.  
Counsel for the Respondent: Sheila MacPherson