

CANADA / JUDGMENT

Cameron (Re)

2025 BCSC 1646

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 1646 Cameron (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Cameron (Re),

2025 BCSC 1646

Date: 20250825

Docket: S189228

Registry: Vancouver

In the Matter of Margaret Lilian Cameron

and in the Matter of the Patients Property Act, RSBC 1996, c 349 and amendments thereto

Before: Registrar Gaily

Reasons for Decision

Petitioner, appearing on her own behalf:

A. Primerano

Counsel for Committee, L. Cameron:

J. Lu

Committee, appearing on her own behalf on May 27 & 28, 2025:

L. Cameron

Counsel for the Public Guardian and Trustee:

K. Unrau

Place and Date of Hearing:

Vancouver, B.C.

April 22, May 27 and 28, 2025

Place and Date of Decision:

Vancouver, B.C.

August 25, 2025

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INTRODUCTION

- [1] Leigh-Anne Cameron was appointed the committee of the estate and person of her mother, Margaret Lilian Cameron (the "Patient"), under the Patients Property Act, RSBC 1996, c 349 [PPA], pursuant to the order of Justice Caldwell made on June 16, 2022 (the "Appointment Order"). The Appointment Order stipulates that Ms. Cameron is to pass her accounts before the registrar on an annual basis, within 90 days of the Order's anniversary date, and on notice to her sister, Alison Primerano, and to the Public Guardian and Trustee ("PGT").
- [2] This decision addresses one of the extraordinary expenses Ms. Cameron claims in her first set of the committee's accounts for the period from June 17, 2022 to July 2023 (the "2023 Accounts"). In the months after the Appointment Order was made, Ms. Cameron filed a notice of appeal (that was not pursued) and applications to vary some of its terms, including the term in para. 3(i)(i) restricting her access to the Patient's funds to "a total maximum of \$204,000 for each year" without prior approval from the PGT (the "Budget", as the parties refer to it). In the 2023 Accounts, as one of the extraordinary expenses for which she seeks reimbursement from the Patient's funds, Ms. Cameron claimed the legal fees she paid to her

counsel at Duncan Magnus Law and Bear Creek Law "to vary the order after trial", totalling \$83,945.54 (the "22-23 Legal Fees").

- [3] In the reasons indexed at 2024 BCSC 454 (the "Initial Reasons"), Associate Judge Robertson, sitting as registrar passing the 2023 Accounts, adjourned the approval of the 22-23 Legal Fees because of the dissatisfactory state of the evidence to support them before her. Among other things, Robertson A.J. referred to the order of Justice Sharma made on January 10, 2023 (the "Sharma Order"), which denied Ms. Cameron her costs of the application to vary the Budget (the "Variation Application"), noting that legal fees related to the Variation Application are not recoverable from the Patient's funds (Initial Reasons, paras. 111 and 117). In early 2023, Ms. Cameron also pursued an application to vary terms of the Appointment Order related to the "Decider" (defined in the Order) (the "Decider Application"). Pursuant to the order of Justice Girn made on April 6, 2023 (the "Girn Order"), the determination of the costs of the Decider Application was adjourned generally.
- [4] Despite the Sharma Order and the express direction of Robertson A.J. that fees related to the Variation Application are not recoverable from the Patient's estate, as well as the Girn Order adjourning the determination of costs of the Decider Application, Ms. Cameron has persisted in claiming reimbursement for many of these fees as the 22-23 Legal Fees. She also claims legal fees she incurred for other related proceedings during the first year of her committee ship to which she is not entitled to be reimbursed from the Patient's funds, as detailed below.
- [5] As a result of the way Ms. Cameron and her counsel approached the passing of the 22-23 Legal Fees, I had to review every entry on the relevant 22-23 Legal Fees spreadsheets and cross-reference the entries to narratives on the corresponding invoices and pre-bill summaries in evidence to determine whether the legal fees should be reimbursed from the Patient's funds. This has been a frustrating and time-consuming exercise.
- [6] In the circumstances of this case, it bears repeating that s. 23 of the PPA authorizes a committee to pay out of the patient's estate "the amounts necessary to defray all just and reasonable charges for the maintenance, care and treatment of the patient" (my emphasis). In the order made on July 4, 2024 (the "Robertson Order"), Robertson A.J. approved \$279,660.41 for the 2023 Accounts, excluding the 22-23 Legal Fees. As detailed below, I find that most of the 22-23 Legal Fees claimed by Ms. Cameron are not properly recoverable from the Patient's funds and I have not allowed them. Based on the evidence before me, I have allowed \$10,000, including disbursements and applicable taxes, as the 22-23 Legal Fees for which Ms. Cameron is entitled to reimbursement from the Patient's funds. Further, I order Ms. Cameron to bear her own costs of the proceedings related to the passing of the 22-23 Legal Fees (which includes any costs associated with the pre-hearing conference held on June 4, 2024 (the "June 2024 PHC")). Ms. Primerano and the PGT are awarded their costs as special costs payable from the Patient's funds, although I have summarily assessed Ms. Primerano's costs at \$2,000.

LITIGATION HISTORY

- [7] An outline of the litigation history provides necessary context to the 22-23 Legal Fees claimed by Ms. Cameron.
- [8] The Patient was born in July 1935 and is now 90 years old. She was predeceased in 2003 by her husband, Byam Cameron. In the judgment dated February 10, 2020 (indexed at Cameron (Re), 2020 BCSC 157), Justice Grauer (as he then was) described Mr. Cameron as a successful entrepreneur and businessman who left his family financially well off, primarily through the assets of the family holding company, Byam Properties Ltd. ("BPL"). The Patient is the preferred shareholder of BPL. Ms. Cameron and Ms. Primerano are common shareholders of BPL and are also the company's directors. The Patient receives a pension and income from the BPL investments and from her own investments (see paras. 21-24 of the Initial Reasons).
- [9] The family was based in the lower mainland, where Ms. Primerano continues to reside. Ms. Cameron owns property in Mexico where she spends most of her time. In the spring of 2018, the Patient moved to Mexico, where she resides in a house on Ms. Cameron's property, now under full-time care. In August 2018, Ms. Primerano petitioned the court under the PPA, seeking a declaration that the Patient was incapable of managing herself or her affairs and an order that she (Ms. Primerano) be appointed the Patient's committee (the "Petition"). Ms. Cameron opposed the Petition, as set out in the response filed in November 2018, by Mikhael Magaril of Bear Creek Law.
- [10] The Petition was set for three days starting on May 14, 2019. On April 29, Mr. Magaril filed a notice of application seeking to convert the Petition to an action on the issue of the Patient's capacity and, if the court determined she was a patient under the PPA, seeking determination of "who is the proper committee" and an alternative order appointing Ms. Cameron committee. The Petition did not proceed on May 14 and the parties agreed to reschedule it for a four-day hearing, starting July 30. On June 26, Mr. Magaril filed an amended notice of application. On July 5, Master Vos (now referred to as Associate Judge, which is the term used in this decision) ordered Ms. Cameron's application adjourned to July 30 before the justice hearing the Petition. The Petition did not proceed on July 30 and was reset to October 29 for four days.
- [11] Justice Grauer heard the Petition over six days, concluding on January 28, 2020. Mr. Magaril represented Ms. Cameron on the Petition. In the order Grauer J. made on February 10, 2020 (the "Grauer Order"), he declared the Patient incapable of managing herself or her affairs and appointed the PGT interim committee of her estate and person, pending further court order. He referred the issue of who should be the Patient's committee to the trial list. Both Ms. Cameron and Ms. Primerano made further written submissions to Grauer J. on costs and in the subsequent judgment he released on April 16, 2020, he clarified that he had awarded them their costs "for the proceedings to date" payable as special costs from the Patient's estate (the "Grauer Costs Order").

- [12] Ms. Cameron appealed the Grauer Order, and the appeal was heard on January 19 and 20, 2021. On February 12, the Court of Appeal dismissed the appeal (*Primerano v. Cameron*, 2021 BCCA 64) and ordered that Ms. Cameron was to bear her own costs of the appeal, but Ms. Primerano and the PGT were awarded their costs as special costs, payable from the Patient's estate.
- [13] The trial was scheduled for fifteen days commencing January 17, 2022, but in December 2021, by consent, it was adjourned to June 6 to be heard in Abbotsford. Emily Clough, a lawyer at Clark Wilson LLP, filed the trial notice on Ms. Cameron's behalf on February 18, 2022, which indicated that both Ms. Clough and Mr. Magaril were Ms. Cameron's lawyers. Ms. Clough represented Ms. Cameron at the trial at which Caldwell J. presided. The trial concluded on the fourth day because the parties had reached an agreement on many of the issues in dispute (as discussed in the oral reasons of Sharma J., indexed at 2023 BCSC 1849 (the "Sharma Reasons")).
- [14] Paragraph 3(m) of the Appointment Order expressly provides that at the annual passing of Ms. Cameron's accounts, "the Registrar may vary the quantum of annual access to capital of the Patient's Funds set out in subparagraph 3(i)(i) to account for changes in the Patient's annual living costs, and the Registrar may allow reimbursement to the Committee of any additional expenses incurred to pay for unexpected emergency costs for the Patient." The Appointment Order also contains several terms regarding BPL, including the appointment of a Decider (who was to be determined by Ms. Clough and Ken Friesen, who was then Ms. Primerano's counsel). The Decider would have the authority to make final and conclusive determinations that were binding on Ms. Cameron and Ms. Primerano and BPL, including determining the balance of the loan owed by Ms. Cameron to the Patient (which she originally owed to BPL) (paras 7-9). In July 2022, Ms. Clough and Mr. Friesen appointed Hugh Woolley as the Decider. Caldwell J. also ordered that both Ms. Cameron and Ms. Primerano "shall bear their own costs of this proceeding" (Appointment Order, paras. 10 and 11).
- [15] On July 18, 2022, Duncan Magnus filed a notice of appeal from the Appointment Order on Ms. Cameron's behalf. There is no dispute that this appeal was never perfected and did not proceed. Mr. Magnus also filed a notice of change of solicitor in the Supreme Court file on September 1, 2022, confirming that he had been appointed to act as Ms. Cameron's lawyer in place of Ms. Clough. Mr. Magaril continued to act for Ms. Cameron, together with Mr. Magnus.
- [16] In June 2022, pursuant to the Grauer Costs Order made two years earlier and before her appointment as committee, Ms. Cameron provided her bill of her special costs to the PGT for approval of the \$199,324.49 she claimed. The PGT did not agree to these costs and on October 14, Mr. Magaril filed an appointment to assess Ms. Cameron's costs. On October 18, Mr. Magaril appeared before Robertson A.J., sitting as registrar, at a pre-hearing conference ("PHC") at which she ordered that the assessment was to be heard on November 3 in Chilliwack (however, it did not proceed that day). Mr. Magaril and Ms. Cameron appeared before me for the assessment on November 15 at which Ms. Cameron claimed \$179,317.63 as

her special costs pursuant to the Grauer Costs Order. Among the special costs she claimed, she sought to be reimbursed from the Patient's estate for what she described as time she spent pursuing the Petition before Grauer J., despite having legal representation throughout. I reserved my decision on November 15.

- [17] Clark Wilson LLP (Ms. Clough's firm) ("CW") filed applications in October and November 2022, seeking recognition of a solicitor's lien over Ms. Cameron's special costs under the Grauer Costs Order (the "CW Application"). On November 18, CW was granted short leave to bring the CW Application the following week on November 23. On November 22, Mr. Magaril filed a response to the CW Application on Ms. Cameron's behalf, opposing it. That same day he also filed a response to the CW Application on behalf of Bear Creek Law. On November 23, Justice Majawa ordered that the CW Application was adjourned to December 1, and that the distribution of the special costs payable to Ms. Cameron was stayed until December 23, or further order of the court. Justice N. Smith heard the CW Application on December 1 and 5. On December 6, he dismissed the application.
- [18] On December 1, 2022, I released my decision assessing Ms. Cameron's special costs under the Grauer Costs Order (indexed at 2022 BCSC 2019) (the "Special Costs Decision"). In the Special Costs Decision, I noted that the Grauer Costs Order awarded Ms. Cameron her costs of the Petition to the date of the order (April 16, 2020) and given *567 Hornby Apartment Ltd. v. Le Soleil Restaurant Inc.*, 2020 BCCA 69, she could not claim her costs of the assessment before me as special costs. I also denied her the special costs she sought on her own behalf.
- [19] On December 5, 2022, Mr. Magnus filed the Variation Application seeking to vary the Appointment Order to increase the Budget and to amend the order to include a term establishing a fund of \$50,000 for emergency care of the Patient. Both Ms. Primerano and the PGT opposed the Variation Application.
- [20] Mr. Magnus, Ms. Primerano, and counsel for the PGT appeared before Sharma J. on January 10, 2023. She dismissed the Variation Application and ordered Ms. Cameron to personally pay the costs of the Variation Application to Ms. Primerano and to the PGT. In the Sharma Reasons, Sharma J. explained the basis for the costs award as follows:
- [26] I have decided to exercise my discretion and award costs to the [PGT] and to Ms. Primerano. They are not to be paid out from the estate.
- [27] As I said in my judgment, I am concerned by the history set out in the affidavit [of the PGT]. The applicant had other routes to address the matters raised in this application. Specifically, there were other routes available for the applicant to seek increases or payment of expenses. Those routes were ones she specifically agreed to. In my view, this application ought not to have been brought forward, so the other two parties are entitled to their costs which should not come at the detriment of the patient's estate. (emphasis added)

- [21] Eight days later, on January 18, 2023, Mr. Magnus filed the Decider Application seeking to vary terms of the Appointment Order regarding the BPL Decider, and to remove Mr. Woolley as Decider. The Decider Application was returnable January 31. Both the PGT and Ms. Primerano opposed it.
- [22] Justice Girn heard the Decider Application on April 6, 2023, at which Mr. Magaril appeared for Ms. Cameron. Among other things, Girn J. ordered that certain paragraphs of the Appointment Order were stayed until May 15 (or further order of the court) (in particular, the requirement that Ms. Cameron repay the loan to her mother) and she accepted Mr. Woolley's resignation as the Decider. Girn J. seized herself of the Decider Application and ordered that the parties were to reappear before her on May 15, to either endorse the appointment of a new Decider or for the court to appoint one. On May 15, Mr. Magaril, Ms. Primerano and counsel for the PGT appeared remotely before Girn J., who extended her order staying Ms. Cameron's payment of the promissory note "until the next court appearance". In the Girn Order, the issue of costs of the Decider Application was adjourned generally. The Girn Order was entered on May 17, 2023. I was advised there have been no further appearances before Girn J. on the Decider Application and the issue of costs has not been determined.

Passing of the 2023 Accounts

- [23] On April 14, 2023, Mr. Magaril's colleague, Janice Lu, filed a notice of application seeking an order granting Ms. Cameron leave to pass her accounts under the Appointment Order "in front of a registrar at any Supreme Court Location in the Vancouver Westminster Judicial District". On April 19, Ms. Lu appeared before Vos A.J., who granted that order. On April 25, Mr. Magaril filed an appointment to pass the 2023 Accounts at a two-hour hearing on June 28 in New Westminster.
- [24] On June 28, 2023, the day scheduled for the passing of accounts, counsel filed Ms. Cameron's 21st affidavit (which was made on June 26) in support of the 2023 Accounts ("Cameron Affidavit #21"). Cameron Affidavit #21 fills a large binder, exhibiting several documents. The parties appeared before me on June 28, and both Ms. Primerano and the PGT's counsel advised that although they received unfiled copies of Cameron Affidavit #21 a few days earlier, they had not had time to fully review it. Mr. Magaril also acknowledged that two hours was insufficient time for the hearing. I ordered the passing of the 2023 Accounts rescheduled for one day on September 1. Among other things, I also granted Ms. Cameron leave to attend the hearing remotely by MS Teams if she was unable to attend in person.

- [25] Robertson A.J. began hearing the passing of Ms. Cameron's 2023 Accounts on September 1, but it required a further two hearing days on November 15 and December 14. Robertson A.J. released the Initial Reasons on March 18, 2024. On April 2, 2024, Ms. Lu filed a notice of appeal from Robertson A.J.'s Initial Reasons, scheduling the appeal hearing for July 9. On May 30, Ms. Lu filed an application asking Robertson A.J. to reopen the passing of the 2023 Accounts to reconsider certain of her findings, returnable June 17.
- [26] On May 23, 2024, Ms. Lu filed an appointment to pass Ms. Cameron's accounts for the period from July 1, 2023 to June 30, 2024 (the "2024 Accounts"), setting a PHC for June 4, 2024 (the "June 2024 PHC"). When the parties appeared before me at the June 2024 PHC, Ms. Lu advised that the PHC was for the hearing to pass the 22-23 Legal Fees "pursuant to the order of Robertson A.J." (although no appointment had been filed and Robertson A.J.'s order had not been entered). At the June 2024 PHC, I ordered Ms. Primerano and the PGT to serve particularized objections to the 22-23 Legal Fees by July 19 and I ordered Ms. Cameron to prepare affidavits of justification and serve them on the PGT and Ms. Primerano by August 30. I expressly directed that the hearing to pass the 22-23 Legal Fees was to be set for no less than two days.
- [27] The parties appeared before Robertson A.J. on June 17. Noting that the appeal from her Initial Reasons was scheduled for July 9, she released her reasons on the reconsideration application on July 4, which are indexed at 2024 BCSC 1197 (the "Reconsideration Reasons"). The Robertson Order was pronounced on July 4 (and entered on September 20, 2024). On July 18, Ms. Lu filed a notice of appeal from the Robertson Order, but on July 26, she filed a requisition adjourning generally the notice of appeal filed on July 18.
- [28] On September 24, Ms. Lu filed a second appointment for the passing of the 2024 Accounts, setting a PHC for October 9, which was heard on that date by Associate Judge Nielsen, sitting as registrar.
- [29] On September 25, Ms. Lu filed the appointment to pass the 22-23 Legal Fees, indicating that the PHC had been held on June 4, and setting the hearing for one day on October 11 (this hearing did not proceed). On March 18, 2025, Ms. Lu filed another appointment for the passing of the 22-23 Legal Fees setting the hearing for one day on March 19, the next day. The hearing on March 19 was placed on the overflow list because a hearing record had not been filed.
- [30] On March 19, while they were at the courthouse, the parties rescheduled the hearing for one day on April 22, the Tuesday after the Easter weekend. On April 16, Ms. Lu filed the requisition resetting the hearing. On April 17, the last business day before the hearing was scheduled, Ms. Lu filed a requisition seeking an order that Ms. Cameron could attend the April 22 hearing remotely for the following reason: "Ms. Cameron is located in Mexico, but she would like to participate in the hearing." An Associate Judge denied the request, indicating the committee should attend the passing of accounts in person.

- [31] When the hearing commenced on April 22, I asked Ms. Lu why it had not been set for two days as expressly directed at the June 2024 PHC. Ms. Lu said that it was too difficult for the parties to secure a two-day registrar's hearing in Vancouver or New Westminster, but that they wanted the hearing to proceed, particularly as both counsel were available to speak to their affidavits and be cross-examined.
- [32] Because she was not present, Ms. Lu sought leave for Ms. Cameron to attend the hearing remotely, which I denied. I advised that I knew that the parties had scheduled the April 22 hearing on March 19, and that I knew that the request for remote attendance filed April 17 had already been denied. Ms. Cameron had sufficient notice of the April 22 hearing to make travel arrangements, or to request remote attendance with more than one day's notice. Given the time to arrange the videoconferencing (which was not set up in the hearing room), standing down to accommodate her counsel's last-minute request, which had been previously denied, would further reduce the already attenuated hearing time.
- [33] The hearing record contained Mr. Magaril's affidavit, filed on September 12, 2024 (the "Magaril Affidavit"), as well as the first affidavit of Mr. Magnus, filed on October 7, 2024 (the "First Magnus Affidavit") and his second affidavit filed on March 18, 2025 (the "Second Magnus Affidavit"). It also contained the affidavits of Halim Habibi, a legal assistant at JFK Law LLP, the firm representing the PGT, filed on December 22, 2022 (the "Habibi Affidavit"), and of Juliana Lafit, a paralegal at JFK Law, filed on March 17, 2025 (the "Lafit Affidavit"). Copies of the Interim and Reconsideration Reasons, the Robertson Order, the Appointment Order, and the Girn Order were also in the record.
- [34] Ms. Cameron had not prepared an affidavit in compliance with the order made at the June 2024 PHC. Ms. Lu advised that they thought she would be able to give evidence in person and then requested leave for Ms. Cameron to file an affidavit speaking to the 22-23 Legal Fees, which I denied. As I explained at the April 22 hearing, I had ordered Ms. Cameron to prepare affidavits of justification speaking to the 22-23 Legal Fees at the June 2024 PHC, nearly a year earlier, which would include an affidavit from her as the committee. Ms. Cameron is no stranger to litigation and has ongoing legal representation. She was present at the passing of the 2023 Accounts and knew the concerns Robertson A.J. had with the evidence she had presented. She should have complied with the June 2024 PHC order.
- [35] As directed by Robertson A.J. in the Initial Reasons, for the passing of the 22-23 Legal Fees, Ms. Lu had included in the hearing record copies of the lawyers' invoices (also exhibited to their affidavits) and she had prepared spreadsheets showing the categories of the legal fees corresponding to entries on their invoices. On the morning of April 22, Mr. Magaril spoke to his affidavit and was cross-examined on it by the PGT's counsel and Ms. Primerano. After the lunch break, Mr. Magnus spoke to his affidavits, but when his direct concluded before the afternoon break, Ms. Lu asked if the hearing could be continued so that Ms. Cameron could attend in person. At that point, it looked like the hearing might conclude in one day and I denied Ms. Lu's request and the PGT's counsel and Ms. Primerano cross-examined Mr. Magnus on his affidavits.

- [36] Although I had agreed to sit late to hear closing arguments, Ms. Lu sought leave to amend the spreadsheets given the lawyers' evidence at the hearing and it was apparent to me that she had not prepared closing submissions, anticipating a continuation of the hearing (the PGT and Ms. Primerano were prepared to make their closing arguments). After confirming schedules, I ordered the parties to deliver their closing arguments to me in person on May 27, starting at 9:00 a.m., and I granted Ms. Cameron leave to attend remotely, but I did not grant her leave to file a further affidavit (which Ms. Lu requested a second time, although it had been earlier denied). I granted Ms. Lu leave to amend the spreadsheets.
- [37] On May 27, Ms. Cameron attended in person without Ms. Lu, advising that Ms. Lu was no longer available and she was representing herself at that appearance. Ms. Lu had prepared revised spreadsheets, which Ms. Cameron provided to me and the other parties (the "Bear Creek Law Spreadsheet" and the "Magnus Law Spreadsheet"). Unfortunately, the PGT's counsel misunderstood the start time of the hearing and closing submissions could not be delivered in the time available. I ordered the hearing adjourned to May 28 for two hours. I ordered the parties to exchange their written closing submissions and granted them leave to provide reply submissions, not exceeding three pages, on May 28.
- [38] When the hearing resumed on May 28, Ms. Cameron again represented herself and Ms. Lu did not attend. I allowed Ms. Cameron to make submissions regarding her absence at the April 22 hearing. Ms. Cameron said that she was unable to secure caregivers for her mother in Mexico for the April 22 hearing because it fell right after the Easter weekend and she had given the regular caregivers time off to spend with their families, stating in her written submissions that she had not finalized the caregivers' schedule until April 9. She acknowledged the request for her remote attendance was filed late, but said she was surprised that it was denied because other requests had been granted and her remote attendance had been "encouraged". She did not explain why she waited eight days between April 9 and 17 to file the requisition seeking remote attendance.
- [39] Ms. Cameron also said that she had understood that the hearing before me would take two days and that she would have the opportunity to present viva voce evidence to justify the 22-23 Legal Fees she claims. In her written submissions, she stated that "it has been virtually impossible to book 2 full days consecutively since January" and that "it was discussed between the parties since the March 19 hearing was adjourned that scheduling all 3 parties to attend at the same hearing was challenging" to explain why it was only set for one day. Despite my directions at the June 2024 PHC, both the appointments set the hearing for one day, not two days.
- [40] Ms. Cameron provided me with a copy of the transcript of the proceedings on April 22, asking to make submissions on her lawyers' evidence and the PGT and Ms. Primerano's objections to the 22-23 Legal Fees. I permitted Ms. Cameron to make oral submissions as she requested addressing the evidence of her lawyers set out in the transcript of the April 22 proceedings.

- [41] Ms. Cameron acknowledged that at the June 2024 PHC I had ordered her to prepare an affidavit of justification but again said that she understood she would be able to give viva voce evidence at the hearing. Ms. Cameron again requested leave to file a further affidavit speaking to the 22-23 Legal Fees. She said that she had filed many affidavits over the course of these proceedings (the court file indicates that as of March 13, 2025, she has filed 29 affidavits) and she submitted that, in her view, it would be a miscarriage of justice if I did not allow her to file a further affidavit.
- [42] Both the PGT and Ms. Primerano opposed Ms. Cameron's May 28 request to file a further affidavit, asserting it would prejudice them and extend the hearing. The PGT submitted that there would be no added value in another affidavit from her at this stage of the hearing. Ms. Primerano agreed, submitting that Ms. Cameron had known since the June 2024 PHC that she was required to file an affidavit and her request to file another affidavit (after I denied her counsel's requests) illustrated Ms. Cameron's ongoing overreaching.
- [43] I denied Ms. Cameron's request to file a further affidavit. I reiterate that Ms. Cameron has known since Robertson A.J. released the Initial Reasons in March 2024 that she would have to pass the 22-23 Legal Fees at a separate hearing and tender evidence to support them. Evidence at hearings before the registrar is normally tendered by affidavits filed in advance of the hearing and Ms. Cameron, who has appeared before the registrar more than once and has legal representation, knew the terms of the order I made at the June 2024 PHC. Based on her submissions, I have no doubt that Ms. Cameron instructed her counsel to set the hearing for one day to secure a date, knowing that one day was insufficient given her experience before Robertson A.J. and that the hearing would have to be continued on a later date. Ms. Cameron made a strategic choice not to comply with the June 2024 PHC order based on her assumption she would be able to provide viva voce evidence when the hearing continued and after her counsel had testified.
- [44] Having heard the evidence of Ms. Cameron's counsel, which was tested by Ms. Primerano and the PGT, as well as Ms. Cameron's submissions about their evidence, together with the affidavits in the hearing record and Cameron Affidavit #21, I am satisfied that I have sufficient evidence on which to pass the 22-23 Legal Fees and the evidentiary record would not be improved by a further affidavit from Ms. Cameron. In the circumstances, I find it would be prejudicial to Ms. Primerano and the PGT to permit Ms. Cameron to file an affidavit after the evidence is in and it is not in any of the parties' interests to prolong the passing of the 2023 Accounts.
- [45] The parties made closing submissions and I reserved my decision. I will not further entertain Ms. Cameron's request in her reply submissions, that she be granted leave to file an affidavit speaking to the 22-23 Legal Fees in the next round of passing of her accounts.

ANALYSIS AND ASSESSMENT

The 22-23 Legal Fees Claimed

[46] At para. 54 of Cameron Affidavit #21 (to support the passing of the 2023 Accounts), Ms. Cameron deposed the following regarding recovery of the 22-23 Legal Fees she sought:

To explain the line item for legal fees, following the [Appointment Order], the legal fees I am seeking reimbursement from is a portion of my legal fees I incurred for the benefit of my Mother. It became clear to me that there were three key issues for my Mother which was not adequately addressed in the [Appointment Order]: (1) a properly funded budget that would meet her present and future needs; (2) a contingency fund to cover extraordinary expenses, including past taxes; and (3) to clarify the role of "Decider" due to the appointed Decider acting recklessly. The "Decider" eventually resigned. I seek compensation for these expenses since they were entirely undertaken for the benefit of my Mother.

[47] At the initial passing of her 2023 Accounts, in the extraordinary expenses Ms. Cameron claimed for the period from July 2022 to June 2023, she identified the following: "Nov-May, 'Legal to vary Order for MLC [the Patient]'", comprised of Magnus Law fees of \$59,850.14 and Bear Creek Law fees of \$48,904.26, totalling \$108,754.40 (Cameron Affidavit #21, Ex. EE). Behind this list are copies of three invoices from Magnus Law dated January 12, 2023, December 19, 2022, and September 20, 2022, as well as a letter from Bear Creek Law dated June 12, 2022 (which is in error and should be 2023), listing eight invoices "with regards to Committeeship Court Matters for your reference", dated August 2, 2022 through February 7, 2023 (Cameron Affidavit #21, Ex. EE, pp. 715-728). This was the evidence before Robertson A.J.

[48] In the Initial Reasons, Robertson A.J. discussed Ms. Cameron's claim for the 22-23 Legal Fees at paras. 110-118. At para. 110, Robertson A.J. reproduced paras. 25-27 of the Sharma Reasons in which Sharma J. denied Ms. Cameron her costs and ordered her to personally pay the PGT and Ms. Primerano's costs, stating that the costs "should not come at the detriment of the patient's estate". Robertson A.J. then stated:

[111] As Ms. Cameron was not awarded her costs for that application, to the extent any legal fees relate to that matter, they are not recoverable from the Estate.

[112] Ms. Cameron has included the amounts of \$59,850.14 (Magnus Law) and \$48,904.26 (Bear Creek Law), classified as "legals to vary order after trial". Included in the affidavit materials were the following:

- a) Magnus Law Invoice 132052 dated January 13, 2023, in the amount of \$33,377.04
- b) Magnus Law Invoice 131812 dated December 19, 2022, in the amount of \$14,451.68.

[113] The discrepancy between the \$47,828.72 reflected in these invoices, and the \$59,850.14 claimed, related to a "past due amount" included on the January 13, 2023 invoice so it is, in essence, double counting.

- [114] With respect to the Bear Creek invoices, no accounts or invoices were attached. Instead, a letter with a list of invoices was included with the affidavit, identifying eight accounts during the period August 2, 2022 to Feb 7, 2023, in the total amount of \$48,904.26. Given that the accounts themselves are not included in the materials, I am unable to determine the nature of the work undertaken.
- [115] In her written submissions, Ms. Cameron argues that the work incurred was for both for the variation order before Justice Sharma, and an application to remove the "Decider" in respect of the BPL governance matters.
- [116] Looking at the time entries included in the Magnus Law invoices, there is reference to Decider matters. However, it is not possible to determine, given the nature of the entries, which entry relates to which matter.
- [117] There should be no recovery for the work undertaken in respect of the application before Justice Sharma. As I cannot determine which of the legal invoices are related to that, and which are not and may therefore be recoverable as estate matters, the approval of those items is adjourned, with a direction that the legal accounts are to be passed separately before the registrar, with no items relating to the application before Justice Sharma to be included.
- [118] Ideally, the counsel rendering the accounts ought to separate out the items and provide evidence to confirm the purpose of the time entries at any further passing of those accounts so that it can be determined which entries are recoverable from the Estate.
- [Emphasis added]
- [49] Following the orders made at the June 4, 2024 PHC, the PGT and Ms. Primerano provided their objections to the 22-23 Legal Fees to Ms. Lu on July 6 and 16 respectively, and they are exhibited to both the Magaril Affidavit (Exs. A and B) and the First Magnus Affidavit (Exs. A and B). Both lawyers testified that they prepared their affidavits in response to these objections and that they had reviewed their invoices (in Mr. Magaril's case) and the pre-bill summary (in Mr. Magnus's case) and annotated them, assigning categories to the entries. The Second Magnus Affidavit was made on March 13, 2025, several months after the First Magnus Affidavit, and as Mr. Magnus deposed, in specific response to Ms. Cameron's challenges to the way he had categorized his entries. On the Bear Creek Law invoices, several of the narratives are redacted and some of them are fully redacted (the date, description, recorder's identity, and amount of time recorded have been redacted), but redacted entries have been categorized and claimed on the corresponding Spreadsheets as fees reimbursable from the Patient's funds.
- [50] The categories in alphabetical order are as follows (and I have noted where they only appear on Mr. Magnus's prebill summaries):

- "AP" is for fees related to Ms. Cameron's appeal of the Appointment Order (only Mr. Magnus annotated his prebills with this category);
- "BI" is for fees described as "time entries outside of the VA time entries related to Ms. Cameron's efforts to demonstrate the actual costs of the patient and increase the budge of the Patient accordingly, i.e. budget increase";
- "CO" is for fees related to corporate advice (this annotation only appears on Mr. Magnus's prebills);
- "CW" is for fees related to the Clark Wilson Application heard by Smith J.;
- "D" is for fees related to the BPL Decider Application before Girn J.;
- "DR" is for fees that Mr. Magnus describes in Magnus Affidavit #2 as "related to the Decider that were not specifically for the application to remove the Decider" (para. 11) (only Mr. Magnus claims this category);
- "GA" is for fees related to general advice pertaining to committeeship;
- "PA" is for fees related to the passing of Ms. Cameron's accounts;
- "SC" is for fees related to the assessment of Ms. Cameron's special costs under the Grauer Costs Order; and
- "VA" is for fees related to the Variation Application before Sharma J.

- [51] At the hearing, both lawyers testified that it was well after the fact of performing the work when they were selecting categories to attribute their fee entries to for the purposes of the passing of the 22-23 Legal Fees. Both testified that although they tried to be careful, they could not say with any accuracy what portion of a specific time entry should be attributed to specific categories where there is more than one category listed.
- [52] Under cross-examination by counsel for the PGT, Mr. Magaril admitted that when he was reviewing his invoices for the purposes of annotating the entries, he was not considering what was in the Patient's best interests and he agreed that he could not be 100% certain which entries were solely for the benefit of the Patient. Under cross-examination, Mr. Magnus also admitted that he analyzed and categorized his entries in terms of what the advice was provided for, not whether it was for the Patient's benefit. He agreed with the counsel for the PGT that how entries are classified has ramifications for Ms. Cameron, which he admitted was why she had challenged some of his categories (the ones on the spreadsheet exhibited to the Second Magnus Affidavit).

- [53] On the Spreadsheets, each of the lawyer's invoices are broken out to show the fees charged under the categories listed above, with some of these fees deducted. However, there is a column on the Spreadsheets, "Add Back CW/VA/BI/ PA/GA/CO" under which Ms. Cameron seeks to add back fees (or a portion of fees) to those for which she seeks reimbursement from the Patient's estate.

Submissions on the 22-23 Legal Fees Claimed

- [54] In her written submissions, Ms. Cameron claims both \$87,707.60 and \$83,707.60 as the total she seeks. The lower amount is the sum set out on the spreadsheets provided by her counsel and it is unclear where the higher number comes from.
- [55] In her written submissions, Ms. Cameron submits that the 22-23 Legal Fees falling under the categories of "PA", "AP", "GA", "BI" and "DR" should be allowed in full because they were for "the clear benefit to the Patient and justifiable in the context of navigating and preserving the Patient's right in a complicated situation where the Patient is located in Mexico." She submits that in incurring these legal fees, she acted as a "reasonable and prudent businessperson" in determining what was beneficial to the Patient, citing the standard of a committee asked to approve a transaction affecting the patient's assets discussed by in *O'Hagan v. O'Hagan*, 2020 BCCA 17 (para. 24).
- [56] Ms. Cameron acknowledges that Mr. Magaril recommended she retain Mr. Magnus to assist her with her concerns about the Appointment Order and that when he returned from leave, Mr. Magaril acted as a resource to Mr. Magnus because of Mr. Magaril's familiarity with the file. She disputes that there was duplicative work between the lawyers, asserting that they helped her with different aspects of the committee's work and proceedings after the Appointment Order was pronounced, as well as providing her ongoing advice.
- [57] Before me, Ms. Cameron maintains that the Appointment Order is flawed, and that she knew shortly after it was made that the Budget is too low, asserting that the amount was based on expenses determined by the PGT when it was the interim committee under the Grauer Order. In her written submissions, Ms. Cameron states that "even though the appeal was ultimately vacated, the "AP" entries are being claimed since the work was undertaken to assess what possible mechanisms that could adjust [the Appointment Order] to address concerns and meet the needs of the Patient and protect her assets." She bases this on Mr. Magaril's testimony in which she says he detailed "the lengthy and extensive review of this matter to consider such options as Appeal or a Variation application between his firm and Magnus Law to address the concerns regarding the Decider provisions, which negatively impacted the well-being, benefit and protection of the Patient and her assets".
- [58] In her written submissions, Ms. Cameron describes the work categorized under "BI" as work gathering information to demonstrate that the "actual costs of the care and maintenance per month during the [PGT's] interim committee's work were significantly higher than the arbitrary budget set at trial" and that she and her counsel tried to engage the PGT to increase

the costs. Ms. Cameron submits that the PGT's "lack of engagement" with her and her counsel regarding requested increases to the Budget, "left only one 'mechanism' available - the Variation Hearing in Jan. 2023." Ms. Cameron submits that the PGT's "unwillingness to review and validate records has led to significant legal expenses, outside the spirit of the [Appointment Order]." Ms. Cameron submits that she is entitled to "add back" legal expenses related to the Variation Application because materials used for that application were "reused in the hearing in front of AJ Robertson in passing the first period accounts." She provides no legal authority for this proposition.

- [59] In her submissions, Ms. Cameron states that BPL has a corporate lawyer "who provides corporate advice for the company and undertakes annual filings and resolutions for the redemption of preferred shares" but that the lawyer's activities "are distinct from work of Bear Creek and Magnus Law and each contacted him as needed". She asserts that because the PGT "exhausted all of [the Patient's] personal funds during [the PGT's] interim committeeship", accessing funds from the BPL account for the Patient's care has "proved complicated and difficult" and she requires legal counsel to navigate the complications.
- [60] Ms. Cameron also distinguishes legal fees claimed under the category "DR" ("Decider-related") from the fees claimed under the category "D" (the Decider Application in which the issue of costs has been adjourned generally). She submits that several entries relate to "the concerning overreach" of the former Decider. She claims that none of the "DR", "CO" or "GA" were for either her or Ms. Primerano's personal benefit but were incurred to manage and protect the Patient's "funds and tax position as preferred shareholder and beneficiary". She states that the "extensive legal effort thus helped protect the Patient's funds and saved her \$611,000 in unnecessary retroactive taxes for just the 2022/23 tax year."
- [61] In its submissions, the PGT reiterated that the 22-23 Legal Fees claimed by Ms. Cameron must meet the test set out by Robertson A.J. at para. 51 of the Initial Reasons, that is, "the court must be satisfied that the expenses incurred and financial transactions undertaken, are objectively reasonable having regard to the nature and value of the patient's property, as the overall objective of the PPA is to ensure that the patient's estate will provide a reasonable level of care to the patient as much of the patient's lifetime as possible."
- [62] The PGT submits that the bulk of the 22-23 Legal Fees sought by Ms. Cameron do not fall within the scope of the committeeship and were not objectively reasonable for ensuring a reasonable level of care for the Patient during her lifetime. In particular, the PGT objects to the following categories claimed by Ms. Cameron:
- (a) partial compensation for expenses related to the Variation Application;
 - (b) full compensation for expenses related to the budget increase;
 - (c) full compensation for expenses related to the appeal, which has been effectively abandoned;
 - (d) full compensation for expenses related to corporate matters; and

- (e) full compensation for remaining expenses related to general committee advice.
- [63] The PGT submits that because the appeal of the Appointment Order was not advanced beyond the filing of a notice of appeal, there is "simply no legitimate basis for the Patient to bear the associated costs of that". The PGT notes that the Variation Application fees have "already been denied" by both Sharma J. and Robertson A.J., "so Ms. Cameron cannot claim them now - whether partially or fully". The PGT pointed to Mr. Magaril's testimony that the budget increase work was primarily done further to the appeal, the Variation Application and for the passing of accounts proceedings. The PGT submits that it is not objectively reasonable for Ms. Cameron to expend so much time and resources attempting to increase the Budget.
- [64] The PGT also submits that it is not objectively reasonable to reimburse Ms. Cameron legal expenses for work performed by both Mr. Magaril and Mr. Magnus and that "as shown by the invoices, the duplication of representation has been a major driver of legal expenses and the associated costs should not be borne by the estate." The PGT submits that if I find that some of the legal fees incurred for general and corporate advice should be allowed, the amount should be discounted to reflect the evidentiary issues presented in the invoices.
- [65] The PGT also submits that Ms. Cameron's written submissions included new factual justification for various expenses and purported to "clarify the facts" and the PGT submits that she should not be permitted to introduce new evidence into the record by means of argument.
- [66] Ms. Primerano generally echoed the objections and submissions of the PGT. Ms. Primerano submits that the "CO" entries are not directly related to the Patient's care and benefit, and that the billing dates confirm the entries were related to the period during which the former Decider was attempting to carry out his duties under para. 7 of the Appointment Order. Ms. Primerano reiterated that the evidence of the lawyers, both in their affidavits and during their testimony, shows extensive commingling of the categories and that this was only done to allow Ms. Cameron reimbursement of legal fees to which she is not entitled.

Analysis and Determination of the 22-23 Legal Fees

- [67] In what follows, I set out my determination with respect to the fees claimed under the various categories, indicating which ones I find are not properly reimbursable from the Patient's funds (and the reasons on which I base my decisions), and which fees may be reimbursed from the Patient's funds (and the reason for that determination). Where there are fees remaining on the Spreadsheets under the categories I have found may be reimbursed from the Patient's funds, I have taken into account the submissions of the PGT and Ms. Primerano that I should consider the value of the Patient's estate (which was discussed in the Initial Reasons by Robertson A.J. and on which I rely), as well as the approach adopted by Ms. Cameron and her counsel to the passing of the 22-23 Legal Fees and the quality of the evidence presented to me to support the 22-23 Legal Fees.

- [68] It is well established that the registrar does not have the jurisdiction to vary or disregard the terms of an order made by a justice or an associate judge and I am bound by the terms of the Appointment Order, the Grauer Costs Order, the Sharma Order and the Girn Order, as well as the Robertson Order.
- [69] For obvious reasons, I do not allow Ms. Cameron to be reimbursed for any 22-23 Legal Fees she claims, which predate her appointment as committee. On the Bear Creek Spreadsheet for invoice #1885, she claims \$2,800 for "PA" (passing the accounts as committee) for the period from June 1-13, 2022, which predates her appointment under the Appointment Order. She is not entitled to reimbursement from the estate for any of these fees. I also note that all the entries on the corresponding Bear Creek invoice prior to June 21, 2022, have been fully redacted.
- [70] The Appointment Order requires Ms. Cameron to pass her accounts annually and the 22-23 Legal Fees are part of the 2023 Accounts. Included in the Magnus Spreadsheets are legal fees that are not associated with an invoice number but are categorized as "final charges for invoices for the period from July 1, 2022 to June 30, 2023". However, the entry dates on the accompanying Spreadsheet are for the period from July 28, 2023 to January 31, 2024. All the entries have been categorized as "GA" (general advice) and Ms. Cameron seeks reimbursement from the Patient's funds of \$1,020.17 for them. I am not satisfied on the evidence before me that she should be reimbursed for these fees because Mr. Magnus realized he had not charged Ms. Cameron for various things and needed to bill her after the fact as he testified (and as commented on by Robertson A.J.). I find these fees were incurred outside of the period of the 2023 Accounts and I do not allow any of them.
- [71] The Grauer Costs Order awarded Ms. Cameron her special costs "for the proceedings to date" payable from the Patient's estate. The applicable date referred to in the Grauer Costs Order is April 16, 2020. As I explained in the Special Costs Reasons, Ms. Cameron is not entitled to her costs of the assessment as special costs payable from the Patient's estate given the wording of the Grauer Costs Order, following the Court of Appeal's judgment in 567 Hornby Apartment Ltd. v. Le Soleil Restaurant Inc., 2020 BCCA 69. Further, the Grauer Costs Order was made over two years before the Appointment Order when Ms. Cameron became committee. The Spreadsheets of both law firms include fees categorized as "SC" for which Ms. Cameron seeks reimbursement from the Patient's funds. I am bound by the Grauer Costs Order and I find that to allow Ms. Cameron to be reimbursed from the Patient's funds for fees categorized as "SC" would be in breach of the Grauer Costs Order. I do not allow any fees categorized as "SC".
- [72] The CW Application was related to Ms. Cameron's payment of legal fees to CW for their work at the trial before Caldwell J. for which she was ordered to bear her own costs. Mr. Magaril and Mr. Magnus both testified that they had provided legal advice to Ms. Cameron about the CW Application and had categorized these fees as "CW". There is no dispute that Ms. Cameron is personally responsible for these fees, however, there are fees categorized as "CW" on the Spreadsheets for which Ms. Cameron seeks reimbursement from the Patient's

funds. I find that the legal fees Ms. Cameron incurred in her personal capacity to defend the CW Application are not reimbursable from the Patient's funds and I do not allow any fees categorized as "CW".

- [73] The fees categorized as "VA" are for the Variation Application, which Sharma J. dismissed and in doing so, ordered Ms. Cameron to personally pay the costs of Ms. Primerano and the PGT. To state the obvious, under the Sharma Order, Ms. Cameron is not entitled to claim any of her legal fees from the Patient's funds. Mr. Magaril testified that Ms. Cameron retained his firm to help her with the committee ship of her mother and he acknowledged that counsel from CW conducted the trial before Caldwell J. He testified that Mr. Magnus was retained to pursue the Variation Application, but that he continued to be partially retained and provide advice to Ms. Cameron in the background regarding the application, as well as the Decider Application. During his cross-examination by the PGT's counsel, Mr. Magaril testified that they had used materials for the Variation Application in other proceedings and he thought they should be able to get reimbursed for them. He testified that although Sharma J. dismissed it, in his view, the Variation Application helped to lay the evidentiary path for the Budget increase Ms. Cameron seeks. Ms. Cameron also submitted that because materials for the Variation Application were before Robertson A.J. at the passing of the 2023 Accounts, she should be reimbursed from the Patient's funds for the fees she has added back in on the Spreadsheets (despite the Sharma Order and Robertson A.J.'s reiteration that because of it, Ms. Cameron is not entitled to recover fees associated with it from the Patient's funds).
- [74] Neither Ms. Cameron nor her counsel provide any legal authority supporting the proposition that where a party has been denied their costs in a proceeding, such as an application, where those costs would normally be awarded as special costs based on legal fees, they are entitled to claim reimbursement for some of these legal fees because materials from the application were used in a later related proceeding. I do not know of any legal authorities supporting such a proposition and I have not encountered anyone claiming this in proceedings before me as registrar. I find that to allow Ms. Cameron to "add back in" any fees categorized as "VA" to the fees for which she seeks reimbursement from the Patient's funds is in breach of the Sharma Order and I do not allow reimbursement from the Patient's funds for any of the 22-23 Legal Fees categorized as "VA".
- [75] The fees categorized as "AP" are for the appeal of the Appointment Order, for which Mr. Magnus filed a notice of appeal and which all parties agree was placed on the inactive list. In the Sharma Reasons, Sharma J. noted that Mr. Magnus said that the notice of appeal "was filed to preserve the right" to appeal from the Appointment Order and that, in the alternative, they pursued the Variation Application (para. 9). Mr. Magnus testified under direct examination that Ms. Cameron had "a number of concerns" about the Appointment Order and that the appeal and the Variation Application were run concurrently to preserve Ms. Cameron's rights. Mr. Magnus testified that he had primary conduct of the appeal. Mr. Magaril testified that he advised Ms. Cameron to retain Mr. Magnus to help her with the appeal and that he helped Ms. Cameron in the background with issues related to increasing

the Budget. There was no evidence before me that Mr. Magaril and Mr. Magnus were co-counsel on the appeal, but the Spreadsheets for both law firms include fees categorized as "AP" for which Ms. Cameron seeks reimbursement.

- [76] Ms. Cameron acknowledges that she did not pursue the appeal of the Appointment Order and that it was placed on the inactive list. However, she submits that she should be reimbursed for fees categorized by her lawyers as "AP" from the Patient's funds because in her view, her attempts to increase the Budget are of benefit to the Patient. Again, neither Ms. Cameron nor her legal counsel provide any legal authority to support such a proposition.
- [77] I find that legal fees incurred to initiate an appeal of the Appointment Order, which was not pursued and allowed to go inactive so that Ms. Cameron could pursue the Variation Application, are not just and reasonable charges for the maintenance, care and treatment of the Patient as required under s. 23 of the PPA. Further, based on my review of the narratives for those fees categorized as "AP" on the corresponding Bear Creek invoices and the Magnus Law prebill summaries, I find that it is more likely than not that the legal fees categorized by the lawyers as "AP" were in fact related to the Variation Application and are not permitted under the Sharma Order. I agree with the PGT and Ms. Primerano that the work of the lawyers was duplicative. I do not allow reimbursement from the Patient's funds for any of the 22-23 Legal Fees that Ms. Cameron has claimed that are categorized as "AP".
- [78] Ms. Cameron and her counsel submit that the category of fees identified as "BI" (Budget Increase) were fees incurred for general legal advice about how Ms. Cameron could increase the Budget. They maintain that although some of the time entries predate the Sharma Order, this work was distinct from work related to the Variation Application and to the abandoned appeal. Ms. Cameron submits she should be reimbursed from the Patient's funds for all the fees categorized as "BI". She submits that where there are double entries (that is, where a fee entry has been categorized by the lawyers as both "VA" and "BI", or "AP" and "BI", for example) she should be reimbursed from the Patient's funds for the portion attributable to "BI". Because the lawyers could not determine which portion of a specific entry was for general "BI" advice (as opposed to the Variation Application or appeal), Ms. Cameron submits that 50% of the total entry should be attributed to "BI". Ms. Cameron maintains that seeking an increase to the Budget benefits the Patient. However, I note that in several of the entries on the relevant Spreadsheets where the time has been separated under two categories one of which is "BI", Ms. Cameron and her counsel have added back in the "VA" or "AP" to the total.
- [79] On the evidence before me, including Cameron Affidavit #21, I find it is more likely than not that the fees categorized as "BI" incurred prior to the Sharma Order on the Spreadsheets were related to either the Variation Application or to the appeal and I do not allow them to be reimbursed from the Patient's funds.

- [80] In the Sharma Reasons, Sharma J. admonished Ms. Cameron and her counsel for failing to pursue the mechanisms in the Appointment Order to seek reimbursement for "legitimate expenses that go beyond" the Budget before applying to vary the Order or appeal it (para. 18). At the passing of the 2023 Accounts before Robertson A.J., Ms. Cameron sought to increase the Budget following the Appointment Order. I have reviewed closely the timing of the entries on the Spreadsheets categorized as "BI". I found that there are very few entries after the Sharma Order categorized as "BI", which supports my conclusion that fees for work categorized as "BI" are not, in fact, distinct from fees for work related to the Variation Application or appeal. Further, several of the "BI" entries, particularly on the Magnus Law Spreadsheet, have been struck through and moved to the column "costs in front of AJ Robertson". I do not allow any of the fees categorized as "BI" on the Spreadsheets that have not been moved to the category "costs in front of AJ Robertson" after the Sharma Order was pronounced.
- [81] Mr. Magnus filed the Decider Application one week after the Sharma Order on January 18, 2023. Ms. Cameron submits that the legal fees identified as "DR" or "Decider Related", a category that only appears on Mr. Magnus's annotations and the Magnus Law Spreadsheet, are distinct from the legal fees incurred for the purpose of pursuing the Decider Application before Girn J. In the Second Magnus Affidavit, Mr. Magnus deposed that after he made the First Magnus Affidavit and annotated his prebill summaries using only the category "D", Ms. Cameron challenged some of his categorizations of the time entries and he agreed that "there are some entries which could be characterized differently" (para. 5). Mr. Magnus deposed the following:
6. Upon reflection of the entries that I identified as "D" Decider, it has been brought to my attention that some of the entries may not have been for the removal of the Decider but rather how the Decider was appointed, what [Mr.] Woolley's mandate was and dealing with some of his conduct in the affairs of the Patient and [BPL].
 9. ...it is difficult to decide exactly when issues relate to the application to remove Mr. Woolley and when it related to other issues. On the review of the file and my notes, I noted discussions about an application to remove Mr. Woolley starting in October/November 2022. (My emphasis)
 10. I have been asked to classify items that relate to entries relative [to] the role of the Decider as opposed to the application to remove the Decider.
- (Second Magnus Affidavit, paras. 6-10)
- [82] Mr. Magnus deposed that he created another excel spreadsheet, identifying the time entries that Ms. Cameron challenged, and adding another column with his revised categories (Second Magnus Affidavit, para. 12, Ex. B). I have reviewed Mr. Magnus's revisions on the spreadsheet exhibited to the Second Magnus Affidavit, comparing them with the narratives to which they correspond on the summary of his time entries. I am not satisfied on the evidence before me that there is any difference between the legal fees categorized as "D" and

"DR". I am not satisfied by Mr. Magnus's explanation that "DR" fees are fees for work "related to the Decider that were not specifically for the application to remove the Decider". I find it is more likely than not that all the fees categorized as "D" and "DR" were incurred in relation to the Decider Application. In my view, these fees cannot be separated for the purposes of claiming reimbursement from the Patient's funds and avoiding the effect of the Girn Order. Until the issue of the costs of the BPL Decider Application has been determined, I find that Ms. Cameron is not entitled to seek reimbursement for legal fees under the categories "D" or "DR" from the Patient's funds. In my view, to allow Ms. Cameron to be reimbursed from the Patient's funds for any legal fees categorized as "D" or "DR" would breach the Girn Order. I do not allow reimbursement from the Patient's funds for any fees categorized as "D" or "DR".

- [83] The fees categorized as "PA" are for assistance provided to Ms. Cameron to prepare and pass her 2023 Accounts. The Robertson Order provides the following with respect to the costs of the passing of the 2023 Accounts:
5. The Committee, Leigh-Anne Cameron, the Petitioner, Alison Primerano, and the [PGT] are each entitled to their costs at the initial hearings between June and December 2023 regarding this Appointment, subject to taxation or approval of all parties in writing with such costs to be paid from the Estate on a true indemnity, special costs basis for those portions where legal representation was retained, and on a Tariff Scale B basis where no such legal representation was retained;
 6. The Committee, Leigh-Anne Cameron, is not entitled to any costs of the reconsideration application on 17/JUN/2024 from the Estate;
 7. The Petitioner, Alison Primerano, is entitled to her costs of the reconsideration application on 17/JUN/2024 from the Estate, summarily assessed at the all-inclusive amount of \$750; and
 8. The [PGT] is entitled to its costs of preparation and attendance at the reconsideration application on 17/JUN/2024 from the Estate on a solicitor and own client basis.
- [84] Mr. Magaril testified that he and his firm have been assisting Ms. Cameron in her role as committee for several years. I found very few entries on the Magnus Law Spreadsheets categorized as "PA" and Mr. Magnus's testimony about the advice he provided Ms. Cameron about passing her accounts was vague. Based on the evidence before me, I am not satisfied that Mr. Magnus provided legal advice to Ms. Cameron that can be categorized under "PA", and I do not allow any fees categorized as "PA" on the Magnus Spreadsheets.
- [85] The Spreadsheets contain a column entitled "cost in front of AJ Robertson" and the majority of the entries categorized as "PA" on the Bear Creek Law Spreadsheets have been struck through and moved to this column. However, some of the fees categorized as "PA" have not been reallocated. In my view, none of the fees categorized as "PA" (which Ms. Cameron and her counsel have identified as separate from general legal advice related to her role as committee) should be included in the 22-23 Legal Fees for which Ms. Cameron seeks reimbursement.

- [86] Pursuant to the Robertson Order, Ms. Cameron is to quantify the fees related to the passing of the 23 Accounts and provide that to the PGT and Ms. Primerano before she can claim them from the Patient's funds. I do not allow any of the 22-23 Legal Fees classified as "PA" given the Robertson Order and I find that to allow any fees categorized as "PA" would avoid the process set out in the Robertson Order and could result in unpermitted double recovery to Ms. Cameron.
- [87] I have determined that Ms. Cameron is not allowed to be reimbursed from the Patient's funds for fees categorized as "SC", "CW", "VA", "AP", "BI", "D" and "DR". Further, she is not allowed fees categorized as "PA" that have not been moved to the column for the costs before Robertson A.J., and those incurred after the end of June 2023.
- [88] I now consider whether Ms. Cameron should be reimbursed for the 22-23 Legal Fees she claims that are categorized as "CO" and "GA".
- [89] Ms. Cameron and Ms. Primerano are the two directors of BPL. Once the Petition proceedings began, their acrimony affected the operation of BPL and the Appointment Order included the Decider provisions to overcome the impasse in the governance of BPL caused by the personal animosity of its two directors. In her submissions, Ms. Cameron gave evidence that BPL has a lawyer who ensures that BPL complies with its annual filings and advises the directors accordingly. Ms. Cameron submits that the corporate advice she received from Mr. Magaril and Mr. Magnus was for the Patient's benefit (including in her submissions her evidence that she was able to obtain some tax savings for the Patient through this advice). She denies that the advice was for her personal benefit as a director of BPL, or for advice related to the consulting business she operates.
- [90] Based on the evidence before me, particularly the lawyers' narratives on the corresponding invoices and prebill summaries, I find it is more likely than not that most of the fees categorized as "CO" were for Ms. Cameron's personal benefit or were related to the Decider Application before Girn J. I am not satisfied that most of the "CO" fees are just and reasonable charges for the maintenance, care and treatment of the Patient as required under s. 23 of the PPA. I accept that a small portion of the fees categorized as "CO" benefitted the Patient. However, based on the way the evidence was presented in the Spreadsheets (even after closely reviewing the corresponding narratives), it is not possible to determine with any accuracy the exact total of these fees.
- [91] I have noted above that many of the entries on the Spreadsheets have been categorized under more than one category so that a portion of a given entry may be attributed to "GA", that is, general legal advice. Both lawyers testified that they could not recall what portion of a given entry could be attributed to general advice, such that it could be recovered. I found their evidence about the general advice they provided to Ms. Cameron to be vague and it does not satisfy me that the advice was distinct from advice related to the various court proceedings (including the passing of the 2023 Accounts). I am not satisfied on the evidence before me that Ms. Cameron should be reimbursed from the Patient's funds for a portion of

legal fees categorized as "GA" where the remaining portion is not allowable for the reasons set out above, particularly based on my review of the narratives on the corresponding invoices and prebill summaries. I find that to split the fees this way is improper and is an attempt to avoid the effect of the court orders.

- [92] I have already noted that many of Mr. Magaril's entries on the corresponding invoices are redacted (none of Mr. Magnus's narratives on the prebill summaries were redacted). Mr. Magaril testified that he redacted his entries for solicitor-client privilege, but also to avoid embarrassing people, but when it was put to him under cross-examination that he could not recall with any specificity what the work was where the narrative was redacted, he agreed. I do not allow fees categorized as "GA" where the corresponding narrative has been redacted, including where it has been partially redacted such that it is not possible to determine what work was performed. In addition, reviewing the entries Mr. Magaril has categorized as "GA" and the corresponding narratives, I find that most of these fees are not recoverable from the Patient's funds because they reflect advice provided to Ms. Cameron in her personal capacity.
- [93] I have provided some further examples to illustrate the difficulties with the evidence on which Ms. Cameron relies to claim fees categorized as "GA", particularly on the Bear Creek invoices where most of these fees appeared. I have already determined above that the fees categorized as "GA" on the final Magnus Law Spreadsheet are not recoverable.
- [94] On the first Bear Creek invoice #1885, some fees categorized as "GA" are for fees described by Mr. Magaril on the corresponding invoice as advising Ms. Cameron on the proceedings before Caldwell J. and on the terms of the Appointment Order shortly after it was made. Ms. Cameron is not entitled to reimbursement from the Patient's funds for fees associated with the proceedings before Caldwell J. under the Appointment Order and these should not have been sought.
- [95] On the Bear Creek Spreadsheet associated with Invoice #1959, Ms. Cameron seeks reimbursement of \$100 incurred on August 2, 5, 8 and 29 categorized as "GA", as well as fees totalling \$175 incurred on August 31, which she seeks to "add back in" under the column "Add Back CW/VA/BI/ PA/GA/CO". The spreadsheet associated with invoice #1959 also includes an add back of \$196 that is not explained. Based on the narratives for Mr. Magaril's entries on August 2, 5, 8 and 29, in the corresponding invoice (Magaril Affidavit, Ex. E), I find that all these fees were related to the assessment of costs under the Grauer Costs Order or to the Variation Application and I do not allow them. Further, the entry for August 31 on the corresponding invoice is fully redacted and there is no categorization indicated on the Spreadsheet. I cannot allow fees where the evidence to support them is fully redacted.
- [96] The very first entry on the spreadsheet associated with Invoice #2179 is dated December 9, 2022 for \$25 and Ms. Cameron seeks reimbursement of \$12.50 as "GA". Mr. Magaril's narrative on the corresponding invoice states "t/c with LAC wrt exchange rate, further costs for the special costs assessment." I find this entry is entirely related to the assessment of Ms.

Cameron's costs under the Grauer Costs Order and is not reimbursable from the Patient's funds. In an entry dated January 9 for 1.10 hours totalling \$275 of which Ms. Cameron claims \$137.50 and seeks to "add back in" \$68.75 for the appeal, Mr. Magaril's redacted narrative provides the following: "second call with LAC re how things going [redacted] CPA firm for PGT [redacted] discuss appeal [redacted] discuss bias of Hugh Woolley - discuss creative steps such as another app to strike portions of the first order." I am not satisfied that these fees were for general legal advice, and I find it more likely than not that they were for legal advice related to the appeal and to the BPL Decider Application which, for the reasons discussed above, Ms. Cameron is not entitled to reimbursement.

- [97] The only entry dated November 3 for \$50 (for which Ms. Cameron claims \$25 under "GA") has the following narrative on the corresponding invoice: "correspondence with LAC wrt her position [redacted] paying a bit, don't want to use Magnus as counsel for assessment of special costs." I do not find this to be "general advice" for which she can be reimbursed from the Patient's funds. The narrative associated with the entry on November 13 for \$225, for which Ms. Cameron claims \$112.50 for "GA" has several redactions, stating: "long t/c with LAC [three lines are redacted]. Discuss attempting to negotiate w/ Emily Clough [redacted]. Discuss what need to respond to charging order: history of that term in order [redacted] and also wrt issues about performance." I am not satisfied this constitutes general advice and I find it more likely than not the entire entry was related to the CW Application. In one of the narratives on January 27 for 0.10 hours (\$25) for which Ms. Cameron claims \$12.50 as "GA", the narrative is "review several emails w/ no body (i.e. just titles) from LAC". I am not satisfied on this evidence that this was general legal advice reimbursable from the Patient's funds as there is no evidence of what these emails were about.
- [98] I accept that Mr. Magaril may have provided some general legal advice to Ms. Cameron in her capacity as committee for which she should be reimbursed from the Patient's funds. However, as noted above, based on the way the evidence was presented in the Spreadsheets (even after closely reviewing the corresponding narratives), it is not possible to determine with any accuracy the exact total of these fees.

Summary of the 22-23 Legal Fees

- [99] For the reasons detailed above, I find that Ms. Cameron is allowed some reimbursement from the Patient's funds for some of the 22-23 Legal Fees categorized as "CO" and "GA". It is not possible to determine with accuracy the exact total of these fees given the way the evidence is set out in the Spreadsheets and in the corresponding invoices and prebill summaries.
- [100] I also find that it is appropriate in the circumstances of this case to consider that Robertson A.J. has already approved \$279,660.41 to be reimbursed to Ms. Cameron from the Patient's funds for the 2023 Accounts. As the PGT submits, this exceeds the Budget by approximately \$75,000. The Patient's funds are not endless. In the Initial Reasons, Robertson A.J. shared the concerns of Ms. Primerano and the PGT that the estate will not be sufficient to last the

Patient's lifetime, particularly at the level of spending Ms. Cameron seeks (see paras. 25-34). The evidence before Robertson A.J. was that the Patient's assets were approximately \$1,600,000 (Initial Reasons, para. 21) and she found the sufficiency of the estate to be "a significant factor to the assessment of the 2023 Accounts" (para. 34). I also share the concern that at the rate at which Ms. Cameron seeks to be reimbursed for her legal fees incurred throughout the ongoing litigation, the Patient will run out of funds and that this is a significant factor in passing the 22-23 Legal Fees.

[101] In the circumstances of this case, I find that it is appropriate to allow Ms. Cameron to be reimbursed \$10,000 from the Patient's funds for the 22-23 Legal Fees. I find that the evidence does not support Ms. Cameron's claim that she incurred all these fees for the benefit of the Patient. In particular, as detailed above, I am concerned about the way Ms. Cameron and her counsel have categorized fees, which I have found to be to avoid the effects of court orders.

Costs of the Passing of the 22-23 Legal Fees

[102] The PGT submits that Ms. Cameron should bear her own costs for the passing of the 22-23 Legal Fees and I agree. As presider, it was extremely frustrating and time-consuming to review the evidence Ms. Cameron and her counsel presented to pass her 22-23 Legal Fees. I cannot condone the approach Ms. Cameron and her counsel adopted in pursuing the passing of her 22-23 Legal Fees, and for this reason, I order Ms. Cameron to bear her own costs of the passing of the 22-23 Legal Fees, which includes the June 2024 PHC.

[103] I order that the PGT and Ms. Primerano are entitled to their costs of the passing of the 22-23 Legal Fees as special costs payable from the Patient's funds. Because Ms. Primerano represents herself and to avoid additional expense to the Patient, I find it appropriate to exercise my discretion and award Ms. Primerano her special costs, summarily assessed at the all-inclusive lump sum amount of \$2,000.

CONCLUSION

[104] I have passed Ms. Cameron's 22-23 Legal Fees as committee and allow them at \$10,000, inclusive of disbursements and taxes, which amount is payable from the Patient's funds. Ms. Cameron is ordered to bear her own costs.

Registrar Gaily

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