

CANADA / JUDGMENT

Dobroslavic v. Timm et al.

1999 BCCA 765

COURT

British Columbia Court of Appeal

DECIDED

15 December 1999

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C99-0765.html Citation: Dobroslavic v. Timm et al Date: 19991215 1999 BCCA 765 Docket: CAO25066 Registry: Vancouver COURT OF APPEAL FOR BRITISH COLUMBIA ORAL REASONS FOR JUDGMENT Before: The Honourable Madam Justice Prowse December 15, 1999 The Honourable Mr. Justice Finch The Honourable Madam Justice Saunders Vancouver, B.C. BETWEEN: MELKO DOBROSLAVIC and RONALEE MURRAY-DOBROSLAVIC PLAINTIFFS (APPELLANTS) AND: LLOYD TIMM and LOU KIRKPATRICK DEFENDANTS (RESPONDENTS) Melko Dobroslavic appearing on his own behalf and on behalf of Ronalee Murray-Dobroslavic Lloyd Timm H.E. Williamson appearing on his own behalf appearing for the Respondent Lou Kirkpatrick

- [1] PROWSE, J.A.: This appeal arises out of a failed real estate transaction involving the appellants and the respondents. We have read the reasons for judgment of Mr. Justice Drossos and we have also read the factums filed on this appeal and various other documents referred to in them. We have also listened to the appellant, Mr. Dobroslavic, who endeavored to explain to us how, in his submission, Mr. Justice Drossos erred in various aspects of his decision. In the result, we are not persuaded that Mr. Justice Drossos erred either in his findings of fact or in his conclusions of law based on those facts.
- [2] We would therefore dismiss the appeal.
- [3] FINCH, J.A. I agree.
- [4] SAUNDERS, J.A. I agree.
- [5] PROWSE, J.A. The appeal is dismissed. Now the only question remaining is that of costs. [SUBMISSIONS]
- [6] The respondents are asking for special costs. They are doing so on the basis of what Mr. Williamson refers to as unfounded allegations of fraud, and also on the basis that the appeal was unmeritorious. In addition Mr. Timm, who is appearing here in person, points to the fact that he has been put to considerable expenses throughout these proceedings. I am sympathetic to the fact that the other parties have incurred costs in this matter. I note, however, that the same submission was made to the trial judge who heard this entire matter and did not see fit at the end of it all to award special costs. I also note that the appellants are

appearing in person and that they do tend to use the word "fraud" in a way that is most unfortunate. In all the circumstances, however, I am not satisfied that special costs should be awarded and I would not give effect to the request for special costs by the respondents. The respondents, of course, are entitled to their ordinary costs.

[7] FINCH, J.A. I agree.

[8] SAUNDERS, J.A. I agree.

[9] PROWSE, J.A. So ordered. "The Honourable Madam Justice Prowse"

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