

CANADA / JUDGMENT

Hearfield v. Thibeault

2002 BCCA 52

COURT

British Columbia Court of Appeal

DECIDED

22 January 2002

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2002BCCA0052 Citation: Hearfield v. Thibeault Date: 20020122 2002 BCCA 52 Docket: CA028130
Registry: Vancouver COURT OF APPEAL FOR BRITISH COLUMBIA ORAL REASONS FOR
JUDGMENT Before: The Honourable Mr. Justice Esson January 22, 2002 The Honourable Mr.
Justice Hall The Honourable Mr. Justice Smith Vancouver, B.C. BETWEEN: ROBERT HEARFIELD
PLAINTIFF (APPELLANT) AND: JOAN THIBEAULT DEFENDANT (RESPONDENT) R. Hearfield
Appellant appearing on his own behalf M.A. McDonald appearing for the Respondent

- [1] ESSON, J.A.: This is an appeal from an order of a chambers judge pronounced in January 2001 dismissing the plaintiff's claim under Rule 19(24) on the ground that the statement of claim discloses no reasonable cause of action.
- [2] Mr. Hearfield has represented himself throughout. The statement of claim is one which very clearly states no cause of action known to the law. Mr. Hearfield has a strong sense of grievance relating to the dealings on the part of his sister with respect to his mother's assets, but beyond that nothing is clear. The chambers judge, more than a year ago, tried to persuade him that his proper course was to seek legal assistance if he wished to pursue this claim, but he has insisted on proceeding with the appeal.
- [3] Mr. McDonald, for the defendant, has appeared today. He has made before us essentially the same suggestion which he made to the chambers judge. That is that we should fix a lump sum for costs in an amount less than the minimum amount which would be produced by applying the unit system which would govern a taxation. He advises us that the minimum amount would be something of the order of \$1,800, perhaps more, and he has suggested \$1,500 as the amount that be fixed for costs and disbursements. That is an eminently fair suggestion.
- [4] I would, on that basis, dismiss the appeal and make an order for costs accordingly.
- [5] HALL, J.A.: I agree.
- [6] SMITH, J.A.: I agree. "The Honourable Mr. Justice Esson"

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