

CANADA / JUDGMENT

HSBC Bank Canada v. A.S. Bains Developments Ltd.

2016 BCSC 26

COURT

Supreme Court of British Columbia

DECIDED

11 January 2016

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2016 BCSC 26 HSBC Bank Canada v. A.S. Bains Developments Ltd. IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: HSBC Bank Canada v. A.S. Bains Developments Ltd., 2016 BCSC 26 Date: 20160111 Docket: 15-0966 Registry: Victoria Between: HSBC Bank Canada Petitioner And: A.S. Bains Developments Ltd., Abtar Singh Bains, Shindy Bains Skaar, Nina Bains Cassils and Harish Bains Respondents Before: Master Bouck Reasons for Judgment on Costs Counsel for Abtar Singh Bains: M.R. Scherr Counsel for Shindy Bains Skaar and Nina Bains Cassils: N.K.P. Aulakh Place and Date of Written Submissions: Victoria, B.C. December 14, 2015 Place and Date of Judgment: Victoria, B.C. January 11, 2016

- [1] On November 27, 2015, I dismissed the application of the respondents Skaar and Cassils in which they sought conduct of sale of the property that is the subject matter of this foreclosure proceeding: 2015 BCSC 2194. These reasons address the issue of costs associated with that application.
- [2] The respondent Bains seeks an award of special costs payable forthwith. Mr. Bains says that the application was entirely without legal foundation and prevented a viable resolution to this proceeding. The applicants accept that costs ought to be awarded to Mr. Bains but only at Scale A and not payable forthwith.
- [3] I am unable to find that the conduct of the applicants is deserved of rebuke or condemnation by the court. Nor do I find any other basis on which an award for special costs might be grounded. Such an award should not be made liberally, particularly on interlocutory applications. However, the application itself was contested and costs ought to be awarded at Scale B. Given that the primary lis is between the petitioner and the respondent Bains, I see no reason to delay the payment of these costs until this proceeding is concluded. For the sake of convenience and proportionality, I will fix those costs rather than require the parties to attend an assessment.

- [4] In the result, the respondents Cassils and Skaar shall forthwith pay to the respondent Bains the sum of \$1,900 reflecting fees for three appearances (October 29, November 10 and 27, 2015) and the written submissions, plus an allowance for disbursements and applicable taxes. If necessary, a certificate of costs may be submitted for my endorsement. "C.P. Bouck" Master C.P. Bouck
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Prepared on 28 October 2026 · Esheria