

CANADA / JUDGMENT

Reaume v. Rossetto

2024 BCSC 1430

COURT

Supreme Court of British Columbia

DECIDED

24 July 2024

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2024 BCSC 1430 Reaume v. Rossetto IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Reaume v. Rossetto, 2024 BCSC 1430 Date: 20240724 Docket: M180241 Registry: Victoria Between: Alyssa Corina Reaume Plaintiff And Andrea Rossetto and Global Pro Systems Inc. Defendants Corrected Judgment: The text of the judgment was corrected at paragraph [15] on August 15, 2024. Before: The Honourable Justice Mayer Oral Reasons for Judgment Re: Costs Counsel for the Plaintiff: E. Bocancea Counsel for the Defendants: K.A. Jenkins Place and Date of Trial/Hearing: Victoria, B.C. July 24, 2024 Place and Date of Judgment: Victoria, B.C. July 24, 2024

- [1] In a judgement released January 16, 2024 this Court awarded the Plaintiff Alyssa Reaume damages of \$1,021,953 for personal injury sustained in a motor vehicle accident.
- [2] Ms. Reaume asks the Court for an award of double costs against the defendants Andrea Rossetto and Global Pro Systems Inc. pursuant to Rule 9-1(4) of the Supreme Court Civil Rules, B.C. Reg. 168/2009 [Rules].
- [3] Ms. Reaume seeks a double costs award, a discretionary order, on the basis that the defendants unreasonably rejected a formal offer to settle for \$362,968 plus costs and disbursements made by Ms. Reaume on November 9, 2023, prior to the start of trial in December 2023.
- [4] The defendants had previously made a formal offer to settle to the plaintiff on October 31, 2023 for \$146,998.42.
- [5] In the application now before me, Ms. Reaume seeks an order for double costs from the date of her formal offer forward. The defendants are not opposed to an order for double costs.
- [6] For the reasons that follow, I find that it is appropriate to award Ms. Reaume double costs. Governing Legal Principles
- [7] Rule 9-1(4) of the Rules provides that "[t]he court may consider an offer to settle when exercising the court's discretion in relation to costs". Rule 9-1 (5)(b) sets out that it is within the court's discretion to award double costs of some or all of a proceeding.

- [8] Rule 9-1(6) of the Rules sets out the following factors which the court may consider in determining whether to award double costs:
- (a) whether the offer to settle was one that ought reasonably to have been accepted, either on the date that the offer to settle was delivered or served or on any later date;
 - (b) the relationship between the terms of settlement offered and the final judgment of the court;
 - (c) the relative financial circumstances of the parties;
 - (d) any other factor the court considers appropriate.
- [9] As set out in *Hartshorne v. Hartshorne*, 2011 BCCA 29, an award of double costs is a punitive measure where a party failed to accept an offer to settle that should have been accepted - that is a reasonable offer.
- [10] As was confirmed by the Court of Appeal in *Cottrill v. Utopia Day Spas and Salons*, 2019 BCCA 26, the issue is not whether an offer is reasonable but whether it was unreasonable for a party to refuse it.

Analysis

- [11] The key consideration in this case is whether it was unreasonable for the defendants to reject Ms. Reaume's offer to settle for \$362,968, either on the date that the offer to settle was delivered or served or on any later date.
- [12] There is no question that the award after trial significantly exceeded this offer. There is no evidence suggesting that the relevant financial circumstances of the parties are a factor in this case.
- [13] The bulk of the award was for future loss of income earning capacity. Before trial and I assume before her formal offer was made Ms. Reaume had served expert evidence which indicated that as a result of the MVA she had been, in summary, permanently partially disabled as a result of the MVA. The defendant did not put forward any expert evidence challenging that of Ms. Reaume.
- [14] In my view, the defendants should have considered the realistic possibility that the Court would award Ms. Reaume significant award for loss of future income earning capacity to reflect her loss of capacity.
- [15] I am satisfied that it was unreasonable for the defendants to reject Ms. Reaume's November 9, 2023 formal offer and I award her double costs from that date forward. "Mayer J."

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Prepared on 29 October 2026 · Esheria