

CANADA / JUDGMENT

Renpenning v. Renpenning

2020 BCSC 896

COURT

Supreme Court of British Columbia

DECIDED

17 June 2020

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2020 BCSC 896 Renpenning v. Renpenning IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: Renpenning v. Renpenning, 2020 BCSC 896 Date: 20200617 Docket: S33739 Registry:

Chilliwack Between: Darwin Renpenning also known as Darwin John Renpenning Plaintiff And

Lillian Rose Renpenning also known as Lillian R. Renpenning, in her personal capacity, Lillian

Rose Renpenning, as personal representative for The Estate of David Renpenning, deceased, The

Estate of David Renpenning, deceased, and 3-D Cycles Ltd. Defendants Before: The Honourable

Mr. Justice Macintosh Reasons for Judgment Addressing Costs Counsel for the Plaintiff: E.W.

Heath S. Gill Counsel for the Defendants: I.D. MacKinnon S. Thomson Written Submissions on

Costs: July 3 and 18, 2019, and April 16, 2020 Place and Date of Judgment: Chilliwack, B.C. June 17, 2020

- [1] I gave judgment in this action on June 26, 2019, after a trial held in Chilliwack on June 18-21, 2019. I allowed the Plaintiff's claims of \$26,800 against the Defendant, 3-D Cycles Ltd. ("3-D Cycles"), for unpaid wages, and \$195,444 for dividends payable to him by 3-D Cycles. I dismissed the Plaintiff's claim for a declaration that the Defendant, Lillian Renpenning, holds in trust for the Plaintiff a property in Kelowna, and his claim for an order requiring 3-D Cycles or Lillian Renpenning to purchase his shares in 3-D Cycles. I dismissed claims against the Plaintiff totaling \$3,326.50. I ordered that costs could be spoken to.
- [2] I note that all the Defendants were represented by one counsel through a single pleading.
- [3] I have now received written submissions addressing costs from the Plaintiff, filed July 3, 2019, and from the Defendants, filed July 18, 2019. I have also received a memorandum to the Court from the Plaintiff, dated April 11, 2020, advising that 3-D Cycles is being wound up "in the near future." (Unfortunately, I did not receive the Defendants' costs submissions filed July 18, 2019 until after the coronavirus had largely caused our Court to close down earlier this year. Before the coronavirus, my assistant had searched the registries for the defence costs submissions, but they did not turn up then. I do not know where or when in the system that filing became temporarily lost.)

- [4] Having reviewed my reasons given on June 26, 2019, and the costs submissions referred to above, I am of the view that the substantial success in the case rested with the Plaintiff, with the result that he is entitled to the costs of the action from the Defendants, jointly and severally, at Scale B.
- [5] I adopt paras. 5 and 8 from the Plaintiff's costs submissions, filed July 3, 2019:
5. Determination of "substantial success" at trial requires an objective comparison of the relief granted and results obtained by the parties with the submissions made at trial: *MacLean v. Mio*, 2011 BCSC 148 at para. 27.
8. In cases where claims are made against multiple related defendants, all of whom are represented by the same counsel and defend the claim with a joint pleading, when a plaintiff is successful against only one defendant but relatively insignificant court time is devoted to the discrete issue of the other defendant's liability, costs should be awarded to the plaintiff only: *St. George Transportation Ltd. v. Sawicky and Sawicky*, 2004 BCSC 1488 at para. 4; *Camaso v. Egan*, 2011 BCSC 954 at para. 14.
- [6] The dispute at trial, in essence, was between the Plaintiff and his mother, the Defendant Lillian Renpenning. As I said in the introduction to my reasons for judgment on June 26, 2019: "Lillian [Renpenning] has largely run the [3-D Cycles] business from 1970 to this day. She controls the business closely. This case is a sad and bitter fight between mother and son, and the 3-D business is ground zero for their dispute." The Plaintiff was largely kept on the outside of the 3-D Cycles business. Although he worked at 3-D Cycles for many years in the shop, very little information was shared with him about how the business was run commercially. As the trial unfolded, it was apparent that he had to fight strenuously, before and during the trial, to get what should have been granted to him in the ordinary course of the family business.
- [7] The issues at trial where the Plaintiff succeeded consumed nearly all of the trial time. The issues where he failed were not central disputes at trial, and were largely addressed only as part of the arguments at the conclusion of the trial.
- [8] I repeat here my conclusion expressed above, that the Defendants are jointly and severally responsible for the Plaintiff's costs at Scale B. "Macintosh J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/20/08/2020BCSC0896.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/renpenning-v-renpenning-2020>

Prepared on 28 October 2026 · Esheria