

CANADA / JUDGMENT

Tafti v. Davis

2025 BCSC 2546

COURT

Supreme Court of British Columbia

DECIDED

23 December 2025

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2025 BCSC 2546 Tafti v. Davis

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Tafti v. Davis,

2025 BCSC 2546

Date: 20251223

Docket: S175641

Registry: Vancouver

Between:

Mehdi Alaei Tafti

Plaintiff

And

Alan Davis, John Davies, and the Owners, Strata Plan LMS 1866

Defendants

Before: Associate Judge Vos

(As Registrar)

Reasons for Decision Re: Assessment of Costs

In Chambers

The Plaintiff, appearing in person:

Counsel for the Defendants:

M.A. Tafti

M. Li

Place and Date of Hearing:

Vancouver, B.C.

December 16, 2025

Place and Date of Decision:

Vancouver, B.C.

December 23, 2025

[1] This is the assessment of costs awarded to the defendants for this action.

Background

- [2] This case concerned the plaintiff's complaints about matters that occurred at the condominium development where he lives. He sued Alan Davis, the on-site manager of the building, John Davies, an individual who owns commercial units in the building and has held elected positions within the governance structure of the development, and the strata corporation for the building.
- [3] The plaintiff claimed damages for an injury he alleged occurred when an office door was closed, striking his foot. The plaintiff also pursued claims regarding grievances he raised in relation to his life in the condominium development.
- [4] The trial of this case started in February 2022. It lasted 42 days. The court provided written reasons for judgment on February 2, 2024, indexed as Tafti v Davis, 2024 BCSC 176. The plaintiff's claims were dismissed in their entirety.
- [5] The reasons for judgment with respect to the results of the trial allowed the parties to address the issue of costs. That occurred on May 13, 2025. The reasons for judgment for the costs hearing are dated May 13, 2025, and are indexed as Tafti v. Davis, 2025 BCSC 1101.
- [6] The order entered for the May 13, 2025 costs decision provides that the defendants are entitled to recover costs of the action from the plaintiff at Scale B and awarded double costs to the defendants for all steps taken in the proceeding after March 12, 2020. This hearing was scheduled to assess those costs.

Analysis

- [7] At the outset of this hearing the plaintiff argued about some of the matters that were decided as a result of the trial. He was reminded that this hearing is to assess the costs that were awarded. This court does not have jurisdiction to alter the award of costs or the scale of costs as ordered by the trial court.

- [8] The plaintiff also sought an adjournment of the hearing. A pre-hearing conference proceeded on August 11, 2025. The order made at that pre-hearing conference required the parties to take certain steps to prepare for today's hearing. One of the orders required the plaintiff to provide a list of particularized objections with respect to the claims for costs and disbursements he intended to challenge at the hearing. He did so. The letter setting out those objections is dated September 14, 2025. On reviewing the materials before the court and considering submissions from both sides, it was determined that the matter was ready to proceed and that an adjournment of the assessment hearing was not justified.
- [9] The bill of costs to be assessed is attached to the amended appointment filed by the defendants on September 9, 2025. During the hearing counsel for the defendants revised some of the claims for costs set out in that bill of costs.
- [10] Rule 14-1(1) of the Supreme Court Civil Rules, B.C. Reg. 168/2009 (the "Rules") provides that if costs are payable to a party pursuant to an order of the court, those costs must be assessed as party and party costs in accordance with Appendix B of the Rules, unless circumstances identified in Rule 14-1(1) exist. None of those specified circumstances apply to this case. The defendants' claims for costs must therefore be assessed pursuant to Appendix B.
- [11] Rule 14-1(2) provides that on an assessment of party and party costs under Appendix B the registrar must allow those fees under Appendix B that were proper or reasonably necessary to conduct the proceeding.
- [12] Appendix B provides that the court may fix the scale at which costs will be assessed (s. 2(1)). In this case, the court ordered that costs be assessed at Scale B, which is the scale that usually applies on matters of ordinary difficulty.
- [13] The tariff at Appendix B lists items that set out procedures that can occur in a litigated case and assigns units of costs for each. At an assessment, the court determines which items of costs apply to the case being considered and assesses the number of units of costs to be awarded for each item. The units of costs are then valued at a per unit rate.
- [14] The units of costs claimed on behalf of the defendants will be considered in turn.
- [15] The defendants claim 5 units pursuant to item 1 of the tariff, which provides costs for correspondence, conferences, instructions, investigations or negotiations by a party until the start of the proceeding, for which provision is not made elsewhere in the tariff. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. Counsel for the defendants explained that the plaintiff originally commenced proceedings for this matter in the Provincial Court of BC. The defendants had to respond to those proceedings and attended for a settlement conference at the Provincial Court. The Provincial Court proceedings were later transferred to the Supreme Court and continued as this action. On reviewing the materials provided for the Provincial Court portion of the case, the appropriate amount under item 1, and the amount allowed, is 4 units.

- [16] The defendants originally claimed 40 units under item 2, which provides costs for correspondence, conferences, instructions, investigations or negotiations by a party after the start of the proceeding, up to the completion of the trial or hearing, for which provision is not made elsewhere in the tariff. The tariff sets the range for the assessment of this item of costs at 1 to 30 units. During the hearing, counsel for the defendants indicated that the defendants had reduced this claim to 25 units, 20 units for the procedures caught by item 2, plus 5 units for tasks done while double costs apply. The litigation proceeded for a long time and resulted in a lengthy trial. The materials demonstrate that a very significant amount of work product was generated up to the completion of the trial. The claim of 25 units under item 2 is appropriate and is allowed.
- [17] The defendants originally claimed 20 units under item 3, which provides costs for correspondence, conferences, instructions, investigations or negotiations by a party after the trial or hearing to enforce any final order obtained in that trial or hearing, for which provision is not made elsewhere in the tariff. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. The claim is at 20 units because the award of double costs applies to proceedings after trial. During the hearing, counsel for the defendants indicated that the defendants had reduced this claim to 14 units, 7 units for the tasks caught by item 3, plus an additional 7 units due to the double costs award. There have been significant proceedings since the trial, including a contested chambers application last Friday. The materials demonstrate significant work done on behalf of the defendants since the trial concluded. The claim of 14 units under item 3 is appropriate and is allowed.
- [18] The defendants claim 6 units pursuant to item 5, which provides costs for process for obtaining a consent case plan order. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. The parties explained that the defendants sought a consent case plan order, but the plaintiff did not consent to the defendants' proposed case plan, and a consent order was not agreed to. The tariff of costs provides awards of costs for specific steps taken in the litigation. A task for which costs are sought must fit strictly within the terms of the item of costs. As a consent case plan order was not "obtained", there is no basis for an award under this item of costs. No units are awarded to the defendants under item 5.
- [19] The next claim is pursuant to Item 7, which provides costs for all process for defending a proceeding, for which provision is not made elsewhere in the tariff. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. The defendants claim 15 units because some of the tasks for which costs are claimed were done during the period when double costs apply. The litigation was contentious, proceeded for a long time and resulted in a lengthy trial. The materials demonstrate that the defendants properly generated a very significant amount of work product that fits within this item of costs. The claim of 15 units under item 6 is appropriate and is allowed.
- [20] The next claim is pursuant to Item 10, which provides costs for the defendants obtaining discovery and inspection of the plaintiff's documents. The tariff sets the range for the assessment of this item of costs at 1 to 10 units for cases where 1-999 documents are

produced. Counsel for the defendants indicated that the plaintiff produced 581 documents during the course of the litigation. The defendants claim 15 units, 10 units for the document production that occurred over the course of the case and 5 units for documents produced by the plaintiff during the period when double costs apply. Document production is a process that must be carried out on an ongoing basis through the course of the litigation. Document disclosure from the plaintiff was necessary for the proper conduct of the case. The claim of 15 units under item 10 is appropriate and is allowed.

- [21] The next claim is pursuant to Item 11, which provides costs for the defendants giving discovery and inspection of documents to the plaintiff. The tariff sets the range for the assessment of this item of costs at 1 to 10 units for cases where 1-999 documents are produced. Counsel for the defendants advised that the defendants produced 232 documents during the course of the litigation. The defendants claim 15 units, 10 for the document production that occurred over the course of the case and 5 units for documents they produced to the plaintiff during the period when double costs apply. The defendants provided three lists of documents during the conduct of the case, which shows that they provided document disclosure on an ongoing basis over this long term litigation. The claim of 15 units under item 11 is appropriate and is allowed.
- [22] The defendants claim 5 units pursuant to item 14, which provides costs for process for serving notices to admit. The tariff sets the range for the assessment of this item of costs at 1 to 5 units. The defendants served one notice to admit, dated December 20, 2021. The plaintiff responded to the notice to admit on January 12, 2022. The defendants' notice to admit was an appropriate use of that procedure, but was not extensive. The costs allowed for preparation of that notice to admit is 2 units. The notice to admit was prepared after the date that triggers double costs. The amount assessed under item 14 is 4 units.
- [23] The defendants claim 10 units pursuant to item 15, which provides costs for the process for making admissions of fact. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. The plaintiff served an extensive notice to admit, dated October 18, 2019. The defendants provided a lengthy and detailed response to the notice to admit, dated November 1, 2019. The defendants' response to the plaintiff's notice to admit was appropriate. The costs allowed for preparation of that response is 6 units. It was prepared before March 12, 2020, so is not subject to the double costs award. The amount assessed under item 15 is 6 units.
- [24] The defendants originally claimed 20 units under item 17, which provides costs for all process and correspondence associated with retaining and consulting experts for the purposes of obtaining expert opinion evidence for use in the proceeding. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. During the hearing, counsel for the defendants indicated that the defendants had reduced this claim to 8 units, 4 units for the procedures caught by item 17, plus an additional 4 units because the double costs award applies to those tasks. The defendants retained two experts for the case. Both provided expert reports and both testified at the trial. The reports were prepared after the date that triggers double costs. The claim of 8 units is appropriate and is allowed.

- [25] The defendants originally claimed 20 units under item 18, which provides costs for all process and correspondence associated with contacting, interviewing and issuing subpoenas to witnesses. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. During the hearing, counsel for the defendants indicated that the defendants had reduced this claim to 6 units, 3 units for the procedures caught by item 18, plus an additional 3 units because the double costs award applies to those tasks. The defendants called three lay witnesses. Essentially, one unit of costs is claimed for each, which is then subject to the double costs award. The claim of 6 units is appropriate and is allowed.
- [26] The defendants claim 26 units pursuant to item 19, which provides costs for the defendants' preparation for examinations for discovery. Item 19(a) of the tariff sets an assessment of 4 units for preparation for each day of attendance at an examination for discovery if the award is for the party conducting the examination. Item 19(b) of the tariff sets an assessment of 3 units for preparation for each day of attendance at an examination for discovery if the award is for the party being examined. Section 4(3) of Appendix B of the Rules provides that if a number of units is allowed for each day (e.g. preparation for each day of examination for discovery), but the time spent on the task (e.g. the examination) is not more than 2.5 hours, then only half the number of units allocated for a day is to be allowed for preparation.
- [27] The defendants conducted two examinations for discovery of the plaintiff; a full day examination on November 6, 2019 and a half day examination on November 5, 2021. The defendants are entitled to 4 units under item 19(a) for preparation for their November 6, 2019 examination for discovery of the plaintiff and 2 units under item 19(a) for preparation for their November 5, 2021 examination for discovery of the plaintiff. The second examination occurred after March 12, 2020 so is subject to double costs. The number of units allowed under item 19(a) is 8 (4 + 4 (doubled from 2)).
- [28] The defendant, John Davies, was examined by the plaintiff for a half day on November 4, 2019 and a full day on October 21, 2021. The defendants are entitled to 1.5 units under item 19(b) for preparation for the first examination and 3 units for the second examination. The defendant, Alan Davis was examined by the plaintiff for a half day on October 21, 2021. The defendants are entitled to 1.5 units under item 19(b) for preparation for that examination. Gayle Nesbit, on behalf of the strata corporation, was examined by the plaintiff for a half day on November 4, 2019 and a full day on September 27, 2021. The defendants are entitled to 1.5 units under item 19(b) for preparation for the first examination and 3 units for the second examination. Two of the examinations occurred before the date that triggers double costs (John Davies on November 4, 2019 and Gayle Nesbit on November 4, 2019). Both of those pre-March 12, 2020 examinations for discovery were half day examinations. The remainder are subject to the double costs order. The number of units allowed under item 19(b) is 18 (John Davies 1.5 + 6 (doubled from 3) plus Alan Davis 3 (doubled from 1.5) plus Gayle Nesbit 1.5 + 6 (doubled from 3)).
- [29] The total of the units of costs allowed under items 19(a) and (b) is 26 units (8 + 18).

- [30] The defendants claim 46 units pursuant to item 20, which provides costs for the defendants' attendance at examinations for discovery. Item 20(a) of the tariff sets an assessment of 8 units for each day of attendance at an examination for discovery if the award of costs is for the party conducting the examination. Item 20(b) of the tariff sets an assessment of 5 units for each day of attendance at an examination for discovery if the award is for the party being examined. Section 4(1) of Appendix B of the Rules provides that if a number of units are allowed for each day (e.g. each day of examination for discovery), but the time spent on the task is not more than 2.5 hours, then only half the number of units allocated for a day is to be allowed for the attendance.
- [31] The defendants conducted two examinations for discovery of the plaintiff; a full day examination on November 6, 2019 and a half examination on November 5, 2021. The defendants are entitled to 8 units under item 20(a) for conducting the first examination and 4 units for the second. The second examination occurred after March 12, 2020, so is subject to double costs. The number of units allowed under item 20(a) is 16 (8 + 8 (doubled from 4)).
- [32] The defendant, John Davies, was examined by the plaintiff for a half day on November 4, 2019 and a full day on October 21, 2021. The defendants are entitled to 2.5 units under item 20(b) for the first examination of Mr. Davies and 5 units for the second examination. The defendant, Alan Davis was examined by the plaintiff for a half day on October 21, 2021. The defendants are entitled to 2.5 units under item 20(b) for that examination. Gayle Nesbit, on behalf of the strata corporation, was examined by the plaintiff for a half day on November 4, 2019 and a full day on September 27, 2021. The defendants are entitled to 2.5 units under item 20(b) for the first examination and 5 units for the second examination. Two of the examinations occurred before the date that triggers double costs (John Davies on November 4, 2019 and Gayle Nesbit on November 4, 2019). Both of those pre-March 12, 2020 examinations for discovery were half day examinations. The remainder are subject to the double costs order. The number of units allowed under item 20(b) for the defendants attending for examinations for discovery conducted by the plaintiff is 30 (John Davies 2.5 + 10 (doubled from 5) + Alan Davis 5 (doubled from 2.5) + Gayle Nesbit 2.5 + 10 (doubled from 5)).
- [33] The total of the units of costs allowed under items 20(a) and (b) is 46 units (16 + 30).
- [34] The defendants claim costs under items 21 and 22 for chambers applications that proceeded on this case, both prior to and after the trial. Some of the applications were full day hearings, others were half day hearings. Item 21 of the tariff sets an assessment of 2 units for preparation for each day of hearing of an unopposed application and 3 units for preparation for each day of hearing of an opposed application. Item 22 of the tariff sets an assessment of 4 units for each day of attendance at the hearing of an unopposed application and 5 units for each day of attendance at the hearing of an opposed application. The applications that proceeded for this case are described in the materials provided for this assessment. Two of the applications resulted in summary awards of costs. They are excluded from the claims in this bill of costs. The remaining applications, including the application

that proceeded last Friday (December 12, 2025), were adjusted for half day hearings. Double costs applies to applications that proceeded after March 12, 2020. In result, the costs for the applications that proceeded in this case are assessed at 26 units under item 21 and 38 units under item 22.

- [35] The defendants claim under item 29 for costs relating to their preparation for this assessment hearing and for their preparation for the pre-hearing conference that was required for this assessment hearing, which proceeded on August 11, 2025. The tariff sets an assessment of 2 units for preparation for each day of attendance at a hearing to assess costs. The pre-hearing conference lasted less than 2.5 hours, so 1 unit is awarded under item 29. Today's assessment hearing lasted a full court day, so 2 units are awarded under item 29 for today. The assessments under item 29 for preparation for the pre-hearing conference and the assessment hearing are both subject to the award of double costs. The total of the units of costs allowed under item 29 is 6 units.
- [36] The defendants claim under item 30 for costs relating to their attendance before a registrar to assess costs. The tariff sets an assessment of 4 units for each day of attendance at a hearing to assess costs. A claim is made for the defendants' attendance at the August 11, 2025 pre-hearing conference that was required for this assessment hearing. The pre-hearing conference lasted less than 2.5 hours, so 2 units are awarded under item 30 for that hearing. Today's assessment hearing lasted a full court day, so 4 units are awarded under item 30 for today's hearing. The assessments under item 30 for attendance at the pre-hearing conference and the assessment hearing are both subject to the award of double costs. The total of the units of costs allowed under item 30 is 12 units.
- [37] Claims are presented pursuant to Items 31 and 32 for the defendants' preparation for and attendance at two trial management conferences. The tariff sets ranges for the assessments of these items of costs at 1 to 3 units under item 31 for preparation and 1 to 5 units under item 32 for attendance at each trial management conference. The amounts claimed by the defendants are 1 unit for preparation for each trial management conference and 2 units for attendance at each trial management conference. The trial management conferences were required for the case. The amounts claimed for preparation are the minimum claimable. The 2 units claimed for attendance at each trial management conference is reasonable. The first trial management proceeded on March 6, 2020 and therefore is not subject to the double costs award for proceedings after March 12, 2020. The second trial management conference was on November 18, 2021 and is subject to double costs. The units of costs allowed under item 31 are 3 (1 for the first trial management conference plus 1 for the second, doubled to 2) and under item 32 are 6 (2 units for the first trial management conference plus 2 for the second, doubled to 4).
- [38] The defendants claim 405 units pursuant to item 34, which provides costs for preparation for trial. Item 34 of the tariff sets an assessment of 5 units for preparation for each day of trial. The amounts awarded under this item are subject to s. 4(3) of Appendix B of the Rules, which provides that if the attendance at a trial is less than 2.5 hours on a day, only half the

number of units is to be allowed for preparation for that day of trial. The trial of this case proceeded for 42 days. Counsel for the defendants obtained the clerks notes for the days of trial to determine how many of those trial days lasted less than 2.5 hours. There were three. The number of units applicable under item 34 therefore is 202.5 (39 days times 5 units per day plus 3 days times 2.5 units per day). The units allowed pursuant to item 34 are subject to the double costs award. The amount assessed under item 34 is 405 units.

- [39] The defendants claim 810 units pursuant to item 35, which provides costs for attendance at trial. Item 35 of the tariff sets an assessment of 10 units for attendance at each day of trial. The amount awarded under this item is subject to s. 4(1) of Appendix B of the Rules, which provides that if attendance at a trial is less than 2.5 hours on a day, only half the number of units is to be allowed for attendance at the hearing that day. The trial of this case proceeded for 42 days. Counsel for the defendants obtained the clerks notes for the days of trial to determine how many of those trial days lasted less than 2.5 hours. There were three. The number of units applicable under item 35 therefore is 405 (39 days times 10 units per day plus 3 days times 5 units per day). The units allowed pursuant to item 35 are subject to the double costs award. The amount assessed under item 35 is 810 units.
- [40] The defendants claim 20 units pursuant to item 36, which provides costs for preparation of written argument. The tariff sets the range for the assessment of this item of costs at 1 to 10 units. The defendants claim 20 units because the written argument was prepared during the period when double costs apply. A copy of the written argument was provided in the materials for this assessment. It is extensive: 231 pages. There is no doubt that preparation of the written argument would have required a great deal of effort and no doubt that preparing the written argument was a proper step in the conduct of this case. The amount assessed under item 36 is 20 units.
- [41] The defendants claim pursuant to item 40, which provides costs for process for setting down a proceeding for trial. Item 40 of the tariff sets an assessment of 1 unit for each process filed to set the proceeding for trial. The defendants filed two notices of trial. Once the trial began it had to be extended several times. The defendants filed the requisitions required for five extensions of the trial. The defendants filed 7 notices of trial or requisitions that qualify under item 40. One unit is allowed for each. All were filed after March 12, 2020, so double costs apply. The amount assessed under item 40 is 14 units.
- [42] The defendants will be directed to file a certificate of costs for the result of this assessment. They are entitled to one unit of costs pursuant to item 41 for preparation of that document, which is subject to the double costs order, and therefore is assessed at 2 units.
- [43] The tasks for which units of costs are assessed above were proper or reasonably necessary to conduct this proceeding.

- [44] The assessed costs total 1,526 units. Section 3(1)(b) of Appendix B sets the value of costs assessed at scale B at \$110 per unit. That amounts to \$167,860. Rule 14-1(8) requires that taxes (GST and PST) must be added to that amount. With taxes the costs assessment totals \$188,003.20.
- [45] The defendants are also entitled to recover disbursements for this case.
- [46] Rule 14-1(5) provides that on an assessment of party and party costs under Appendix B, the registrar must determine which disbursements have been necessarily or properly incurred in the conduct of the proceeding and allow a reasonable amount for those disbursements.
- [47] Many of the disbursements claimed in the defendants' bill of costs were routine expenses incurred during the course of a litigated file. Some of the disbursement claims were abandoned at the hearing.
- [48] The disbursement claims at A1 - A8 of the bill of costs are fees paid to conduct examinations for discovery, to obtain transcripts of examinations for discovery and to obtain portions of the evidence provided at trial. Those disbursements were properly incurred in the conduct of the case and are reasonable. They are allowed at \$5,663.32 plus applicable Goods and Services Tax ("GST").
- [49] The disbursement claims at A9 - A11 of the bill of costs concern fees charged by Dr. Erik Calvert, an orthopaedic surgeon.
- [50] The plaintiff claimed damages for an injury he alleged occurred when the defendant, Mr. Davis, closed an office door on his foot. The defendants retained Dr. Calvert to provide expert evidence with respect to that claim. Dr. Calvert initially conducted a file review and prepared a report dated February 24, 2020. He later conducted an orthopaedic assessment of the plaintiff and prepared a report for the case dated October 13, 2021. Dr. Calvert's report was admitted in evidence at the trial. He was an in person witness at the trial.
- [51] During this hearing, the plaintiff argued that the record review was faulty because Dr. Calvert did not contact him for his input. This is a misguided submission. The task undertaken by Dr. Calvert at that time was a record review, not a record discussion.
- [52] On reviewing the two reports prepared by Dr. Calvert and the invoices he provided for this case, it is clear that the fees charged by Dr. Calvert were disbursements that were properly incurred by the defendants in the conduct of the proceeding. The plaintiff presented claims for personal injuries. It was appropriate for the defendants to obtain opinion evidence from a qualified orthopaedic surgeon as to the nature of the injury and the symptoms the plaintiff alleged resulted from the injury. In the circumstances of the case, his fees are reasonable. The disbursement claims presented at A9 - A11 of the bill of costs are allowed as presented, at \$13,770 plus applicable GST.

- [53] The disbursement claims at A12 and A13 of the bill of costs concern fees charged by Dr. Mohammad Fayazbakhsh, a mechanical engineer with the firm of Jensen Hughes. He was retained by the defendants for this case. He prepared an expert report that was admitted in evidence at trial and he testified during the trial.
- [54] Dr. Fayazbakhsh was qualified at trial to provide expert evidence at trial on three matters raised by the plaintiff: repair and replacement of air conditioning units in the condominiums; the origin and cause of the failure of the HVAC system and heat pumps; and contaminants and damage from failure of the HVAC system.
- [55] The plaintiff presented claims based on allegations that his use and enjoyment of his property was impacted by issues relating to the building's air conditioning system. It was appropriate for the defendants to obtain opinion evidence from a qualified engineer on those issues and on other matters raised by the plaintiff. Fees charged by Dr. Fayazbakhsh therefore were disbursements that were properly incurred by the defendants in the conduct of the proceeding. Dr. Fayazbakhsh has provided an affidavit for this hearing, his first affidavit filed for this case, made on October 2, 2025. It indicates that the work that he did on this case was billed at the hourly rate of \$250. He worked 31.5 hours on the case and his colleagues also contributed 1.25 hours of work. Dr. Fayazbakhsh's affidavit and work product show that his fees were reasonable. There is no credible evidence before the court that could justify a finding that his billings were excessive for the work he did. Dr. Fayazbakhsh's affidavit indicates that he provided three invoices for the work he did on this case. The invoices are attached to his affidavit. They are in the amount of \$5,893.68, \$1,000 and \$1,250. Those are reasonable and were properly incurred in the conduct of this case. They are allowed at \$8,143.68 plus applicable GST.
- [56] The disbursement claim at A14 is for an invoice from Charest Reporting for facilities reserved for video testimony of a witness called by the defendants at trial. The invoice is \$150 plus GST. Counsel for the defendants explained that they had planned for a witness to testify by video, but they were able to have the witness testify in person instead. This is an expense that would have been properly incurred by the defendants to make sure that the trial progressed. In essence, they made sure the witnesses' testimony would be provided on time. They also must have realized that it was preferable to have the witness testify in person and, when that became an option, arranged for the to attend in person at trial. In the circumstances, this fee was properly incurred in the conduct of the case and is reasonable. The disbursement claim presented at A14 of the bill of costs is allowed as presented, at \$150 plus applicable GST.
- [57] The disbursement claims at A15 - A20 of the bill of costs are fees paid to Dye & Durham Corporation, a legal support company that provides registry filing services. The fees charged were for filing documents at the registry, for personal service of documents on the plaintiff and to obtain clerks' notes for some of the court appearances. All of those expenses clearly were properly incurred in the conduct of the case and are reasonable. The disbursement claims presented at A15 - A20 of the bill of costs are allowed as presented, at a total of

\$484.80 plus applicable GST.

- [58] The disbursement claims at A21 of the bill of costs (Richards Investigation) and A22 (D. Van Buskirk TechServ) were abandoned at the hearing.
- [59] The disbursement claim at A23 of the bill of costs is a claim for reimbursement of an expense paid to the Vancouver Police Department for copies of police records in relation to the police attendance at the building on May 10, 2013, the date of the alleged battery of the plaintiff's foot. This is an expense that arises in the discovery proceedings for this case and was properly incurred in the conduct of the case. The disbursement claim presented at A23 of the bill of costs is reasonable and is allowed as presented, at \$297.46 plus applicable GST.
- [60] The disbursement claim at A24 of the bill of costs is for service of subpoenas on three witnesses the defendants called to testify at trial. This expense was properly incurred in the conduct of the case. The disbursement claim presented at A24 of the bill of costs is reasonable and is allowed as presented, at \$690 plus applicable GST.
- [61] The disbursement claim at A25 of the bill of costs is for transcription of oral reasons for judgment provided for this case on May 13, 2025 and May 26, 2025. These expenses were properly incurred in the conduct of the case. The disbursement claim presented at A25 of the bill of costs is reasonable and is allowed as presented, at \$625 plus applicable GST.
- [62] The disbursement claim at A26 of the bill of costs is for a fee charged by a courier to deliver an application record to the courthouse. These expenses were properly incurred in the conduct of the case. The disbursement claim presented at A26 of the bill of costs is allowed as presented, at \$26 plus applicable GST.
- [63] The disbursement claim at A27 of the bill of costs (anticipated LTSA filing fees for judgment) was abandoned at the hearing.
- [64] The disbursement claim at A28 is a minor charge of \$3.75 for printing at the courthouse library. It is allowed as claimed.
- [65] The disbursement claim at A29 is for the trust administration fee of \$15 for this case. It is allowed as claimed.
- [66] The disbursement claim at A30 is for black and white photocopying the defendants did for this case. The claim is for 57,896 copies. It is presented at the rate allowed under Administrative Notice AN-5; 25 cents per page. There is no real doubt that a very significant amount of photocopying was required during the conduct of this case. There were extensive materials for this case. The second affidavit of Herta Jensen indicates that 34 affidavits were filed by the plaintiff, totalling at least 7,030 pages. There were numerous chambers applications, which would have required application records and, in some instances, case authorities. However, the reality is that in the conduct of most cases some extra copying occurs that may be duplication or is not strictly necessary for the conduct of the case. The claim at A30 is allowed at 55,000 copies: \$13,750, plus GST.

- [67] The disbursement claim at A31 is for color photocopying the defendants did for this case. The claim is presented for 10,026 copies at \$0.50 per page. This seemed like an awful lot of color copies. Counsel for the defendants acknowledged that the number of colour copies claimed seemed to be high. She indicated that there many color copies were made during the course of the litigation, but frankly admitted that she did not have a good explanation as to why over 10,000 colour copies were claimed. She indicated that the defendants wanted to conclude this assessment during the hearing and then suggested that this claim be reduced to \$500. An assessment of \$500 would be for 1,000 colour copies, which still seems a bit high. In the context of this case, colour copies would be required for pictures, building plans and likely for diagrams relating to air conditioning and HVAC systems. Multiple copies of some would be necessary (e.g. to be provided to experts, to be served prior to trial, to be provided as evidence at trial, etc.). In all the circumstances of the case, it appears that at least 500 pages of colour copying was done by the defendants. That amount would be reasonable in the context of this litigation. The claim at A31 is allowed at 500 pages of colour copying: \$250 plus GST.
- [68] The disbursement claim at A32 of the bill of costs (Fax) was abandoned at the hearing
- [69] An additional taxable disbursement claim was presented at the hearing. It is a claim for reimbursement of a \$98 fee charged by the court registry to produce clerk's notes for each day of trial. The defendants obtained these notes to determine which trial days lasted less than 2.5 hours and would therefore only merit half day rates for preparation for trial and attendance at trial. This expense were properly incurred in the conduct of the case and was of assistance in determining appropriate awards on this assessment. This disbursement claim is allowed as presented, at \$98 plus GST.
- [70] The non-taxable disbursement claims are presented at B1-B26 of the bill of costs. The disbursement claim at B26 of the bill of costs (witness fees) was abandoned at the hearing. All the other non-taxable disbursements were for fees charged by the court for filing pleadings and other documents with the court, fees charges court services online filings and hearing day fees for the trial. All those fees are disbursements that were necessarily or properly incurred in the conduct of the proceeding. The disbursements claimed at B1 - B25 are allowed as claimed, at \$30,085.
- [71] The defendants have satisfied the onus on them to show that the disbursements assessed above were necessarily or properly incurred in the conduct of this proceeding. The amounts allowed for those disbursements are reasonable in the circumstances of this case.
- [72] The assessed taxable disbursements total \$43,967.01. Tax to be added to that amount (GST: 5%) is \$2,198.35. The assessed non-taxable disbursements total \$30,085.
- [73] The amounts assessed on the bill of costs total \$264,253.56 (\$188,003.20 for costs and taxes on costs plus taxable disbursements of \$43967.01 plus tax on those disbursements of \$2,198.35 plus non-taxable disbursements of \$30,085.00).

[74] The defendants are directed to prepare a certificate of costs in form 64, pursuant to Rule 14-1(27), to confirm the assessment of costs in the amount of \$264,253.56 and provide it to the registry for signature.

"Associate Judge Vos"

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