

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a hearing concerning

Re: Applicant 4

Applicant

**Decision of the Benchers
on Costs**

Written submissions: December 5, 2013, December 9, 2013

Benchers: Art Vertlieb, QC, Chair, Rita Andreone, QC, Thomas Fellhauer, Leon Getz, QC, William Maclagan, Ben Meisner, Philip Riddell

Counsel for the Law Society: Henry Wood, QC

Appearing on his own behalf: The Applicant

[1] In a decision issued November 8, 2013 (Re: Applicant 4, 2013 LSBC 31) the Benchers confirmed the hearing panel's decision to reject the Applicant's application for enrolment and invited the parties to provide their written submissions concerning costs within 30 days of the date of the decision.

[2] We have received and considered Mr. Wood's letter dated December 5, 2013 and the Applicant's email of December 9, 2013.

[3] The Law Society has provided a Bill of Costs and submits that costs of \$5,440.30 are appropriate. The Applicant submits that he should not be required to pay any amount towards the cost of the review.

[4] The Applicant submits that he was advised by a Law Society staff member that there would be no cost associated with the Review. He further submitted that his decision to proceed with the Review was based on that advice. We have been provided with a copy of an email dated July 11, 2013 from the Law Society to the Applicant clearly indicating that the Benchers on review may order that an applicant pay the costs of the review and may set a time for payment.

[5] It is well known that an unsuccessful party to a proceeding may be ordered to pay the costs of that proceeding. Rule 5-9(0.2) sets out that a review board may order that an applicant or respondent pay costs of a review under section 47 of the *Legal Profession Act* and may set a time for payment.

[6] While we are not inclined to waive or reduce the disbursements, we have reviewed the items claimed under the Tariff.

[7] With respect to Item 16, Law Society counsel has claimed 7 units for the preparation and settlement of the record under Rule 5-17. While 7 units is mid-range we find that 5 units is more appropriate as the record in this case was not complicated.

[8] With respect to Item 20, Law Society counsel has claimed 12 units for the preparation and delivery of written submissions. We found the submissions helpful but not extensive, and they did not deal with

any novel issues of law. We find 8 units is appropriate.

[9] We therefore order that the Applicant pay Tariff costs in the amount of \$3,000, reduced from \$3,600, and disbursement costs in the amount of \$1,840.30 for a total of \$4,840.30.