

2015 LSBC 31  
Decision issued: July 3, 2015  
Citation issued: May 11, 2007

**THE LAW SOCIETY OF BRITISH COLUMBIA**

**In the matter of the *Legal Profession Act*, SBC 1998, c. 9**

**and a section 47 review concerning**

**VIVIAN CHIANG**

**APPLICANT**

---

**DECISION OF THE BENCHERS  
ON COSTS OF REVIEW**

---

Submissions received: December 10, 2014  
May 21, 2015  
May 28, 2015

Benchers: David Mossop, QC, Chair  
Haydn Acheson  
Thomas Fellhauer  
Dean Lawton  
Sharon Matthews, QC  
Herman Van Ommen, QC  
Tony Wilson

Discipline Counsel: Henry Wood, QC  
Appearing on her own behalf: Vivian Chiang

- [1] By notice of application for review dated October 23, 2013, the Applicant, Vivian Chiang, applied pursuant to Section 47 of the *Legal Profession Act* for a review of the disciplinary action imposed by a hearing panel in reasons issued September 25, 2013.

- [2] The review was held before us on September 12, 2014.
- [3] In our decision dated November 10, 2014, we decided that the disciplinary action imposed by the hearing panel was appropriate, and we dismissed Ms. Chiang's application for review with costs.
- [4] In our decision we advised that the parties were at liberty to make submissions in writing on costs.
- [5] On December 10, 2014, counsel for the Law Society provided a written submission on costs (the first Law Society submission). The first Law Society submission included a bill of costs which totalled \$12,365.21.
- [6] Ms. Chiang did not provide a reply or any written submission on costs at that time.
- [7] We reviewed the Law Society's submission on costs, and we queried a claim for 5 units for:
- a) Preparation and delivery of written submissions for Review:  
November 18, 2013 (submission to Executive Director re informal resolution (R. 3-5.1 applicability));
- [8] This time was included for dealing with Ms. Chiang's application to the Executive Director of the Law Society to exercise his discretion to resolve a complaint by informal means under Rule 3-5.1.
- [9] Rule 3-5.1 says:
- The Executive Director may, at any time, attempt to resolve a complaint through mediation or other informal means.
- [10] Ms. Chiang's request related to the decision of the hearing panel referred to in paragraph [1] above that was under review by us. The Executive Director did not accept Ms. Chiang's request.
- [11] We asked the Law Society to exclude this time and then invited both the Law Society and Ms. Chiang to provide their submissions.
- [12] Ms. Chiang provided written submissions dated May 21, 2015. The Law Society provided its written reply on May 28, 2015 (the second Law Society submission).
- [13] The second Law Society's submission included an amended bill of costs which excluded the 5 units related to Ms. Chiang's request under Rule 3-5.1. The

amended bill of costs also reduced the copying charges for the Record from \$.25 per page to \$.15 per page as requested by Ms. Chiang in her written submission.

- [14] The amended bill of costs totalled \$10,403.61.
- [15] We have now had an opportunity to review both the first Law Society submission and the second Law Society submission and Ms. Chiang's written submission and the amended bill of costs.
- [16] Ms. Chiang's written submission included arguments that related to the bill of costs and arguments that were unrelated to the bill of costs, which seemed to be a continuation of her arguments with respect to the unfairness of the citation against her and the subsequent decision of the hearing panel and the entire hearing process and its impact on her.
- [17] We have considered all of Ms. Chiang's submissions and, other than her position on the photocopy costs, we are not persuaded to reduce the costs that are set out in the amended bill of costs.
- [18] Subsection 46(1) of the *Legal Profession Act* provides the authority for the Benchers to make rules governing the assessment of costs by a review board. Such rules have been made and are set out in Rule 5-9. Schedule 4 to the Rules provides a tariff for hearing and review costs.
- [19] Under Rule 5-9, a review board has the discretion to order the applicant to pay the costs of a review. If the review board so orders, it must have regard to the tariff of costs in Schedule 4.
- [20] Under Rule 5-9, a review board also has the discretion, if it is reasonable in the judgment of the review board, to order no costs or costs in an amount other than that permitted by the tariff.
- [21] We have carefully considered the submissions of Ms. Chiang and of the Law Society, and we are not persuaded by Ms. Chiang that costs should be other than those set out in the tariff. We prefer the submissions of the Law Society and we accept the calculation of costs under the amended bill of costs.
- [22] We order that costs of \$10,403.61 be paid by Ms. Chiang. We further order that these costs be payable within 90 days of the issue date of this decision.