

Index

ABANDONMENT OF ACTION

Generally, § 2:126

ABORTIVE TRIAL

Generally, § 2:127

ADJOURNMENTS

Generally, § 2:215

ADMINISTRATIVE TRIBUNALS

Generally, § 2:156

ADOPTION PROCEEDINGS

Generally, § 2:64

ADVANCE COSTS

See INTERIM COSTS

AFFIDAVIT OF DOCUMENTS

Generally, § 4:66

AGENCY FEE AS

DISBURSEMENT

Generally, § 3:106

AGREEMENTS RESPECTING COSTS

Generally, § 2:16

AGREEMENTS RESPECTING REMUNERATION

See CONTINGENCY FEES

Account paid, § 3:134

Additional remuneration, claim for, § 3:133

Assessment, effect of agreement on, § 3:131

Burden of proof, § 3:127

Change of solicitor, § 3:139

Client in fiduciary capacity, § 3:136

Contentious matters, § 3:128

Contingency fees, § 3:128, § 6:29

Death of solicitor, § 3:138

AGREEMENTS RESPECTING REMUNERATION—Cont'd

Determination of disputes under, § 3:137

Incapacity of solicitor, § 3:138

Negligence, does not relieve from, § 3:135

Party-and-party costs, effect on, § 3:132

Solicitor-and-client costs, § 3:125, § 3:126

Unwritten agreement, § 3:140

Validity of, § 3:125, § 3:126

AMICUS CURIAE

Generally, § 2:83, § 16:7

ANTI-SLAPP LITIGATION

Generally, § 2:146

ANTON PILLER ORDER

Generally, § 2:150

APPEALS

Bill of costs, APPA § A:61

Costs of

generally, § 8:10

abandoned appeals, § 8:21

appeal party successful, § 8:15

appeals from master, § 8:18

costs sanctions, § 8:23

Court of Appeal divided, § 8:16

first trial, § 2:259 to 2:263, § 8:28

Costs refused

parties not at fault, § 8:11

procedural defects, § 8:12

questions of practice, § 8:14

successful party at fault, § 8:13

LAW OF COSTS

APPEALS—Cont'd

Costs where motion dismissed for delay, § 8:20
Disbursements, § 8:29
Dismissal for delay, § 8:19
Forms for
 see AWARDS OF COSTS FORMS
Interlocutory, § 8:22
Leave to
 generally, § 8:1
 exceptions to requirement, § 8:3
 when granted, § 8:6
 when required, § 8:2
 where application made, § 8:4
Lump sum costs, § 8:9
Offers to settle, § 8:27
Orders as to costs, from
 generally, § 8:1 to 8:9
 exceptions to leave requirement, § 8:3
 leave to appeal, § 8:1 to 8:9
 when leave required, § 8:2
Overruling trial judge, § 8:7
Procedure, § 8:8
Quashing appeal, § 4:67
Security for costs, § 5:40
Several appellants, § 8:25
Several respondents, § 8:26
Small claims court, § 8:17

APPORTIONMENT OF COSTS

Several defendants, § 2:58
Several plaintiffs, § 2:52

ARBITRATION

Costs, § 2:270
Or assessment, § 3:5

ARTICLING STUDENT

Generally, § 2:205

ASSESSED COSTS

Generally, § 2:9 to 2:17

ASSESSMENT

Absence of a party, § 6:56

ASSESSMENT—Cont'd

Adjournments, § 6:24
Adjudicator, § 6:4
All costs to be assessed at same time, § 6:28
Appeals
 appeal record, § 6:79
 costs of, § 6:77 to 6:87
 delivery charges, § 2:179
 evidence on, § 6:80
 grounds for review, § 6:83, § 6:84
 hearing date, § 6:79
 jurisdiction, § 6:77
 meals, § 2:198
 notice of, § 6:79
 place of hearing, § 6:79
 procedure, § 6:78, § 6:80
 quantum of assessment, § 6:22
 time for, § 6:78, § 6:79, § 6:81, § 6:82
 written objections necessary, § 6:79
 written objections not necessary, § 6:80
Appointment for, § 6:53
Assessment officer
 generally, § 6:19
 administrative tribunal costs, § 6:2
 default judgment costs, § 6:7
 directions to, § 2:7
 jurisdiction of, § 6:20
 matters within his competence, § 6:48 to 6:52
 mortgage reference costs, § 6:8
 party-and-party costs, § 6:2
 passing of accounts costs, § 6:9
 powers and duties of, § 6:22 to 6:40, § 6:23
 reference costs, § 6:2
 requiring assistance, § 6:44
 solicitor-and-client costs, § 6:10
 Supreme Court costs, § 6:2
Attendance on, § 6:55

ASSESSMENT—Cont'd

Authorized tariffs, effect of, § 6:45
 Bill of costs
 see BILL OF COSTS
 Certificate of assessment, § 6:67
 Change of place of hearing, § 6:17, § 6:18
 Contingency fees, § 3:47, § 6:12
 Costs of, § 6:70, § 6:71
 security for, § 6:72
 Costs payable out of fund or estate, § 6:9
 Delivery of bill of costs, § 6:13
 Disbursements allowed, § 6:61, § 6:62
 Factors to be considered
 party-and-party costs
 See also REASONABLE-NESS OF FEE
 generally, § 6:30
 solicitor-and-client costs, § 3:75 to 3:109, § 6:30
 See also REASONABLE-NESS OF FEE
 Failure to deliver bill of costs, § 6:13
 Fee assessor, § 6:20
 Forms
 see ASSESSMENT OF COSTS FORMS
 Interlocutory costs, § 6:63
 Judgment, costs in accordance with, § 6:25
 Law clerks, fees chargeable for services of, § 6:64
 New tariff, transitional provisions, § 7:3 to 7:5
 Notice of, § 6:54
 Objections to, § 6:65
 Order to continue, § 6:68
 Party-and-party costs
 appeals, § 6:77 to 6:79, § 6:81
 assessment officer, § 6:2
 change of place of hearing, § 6:17

ASSESSMENT—Cont'd

Party-and-party costs—Cont'd
 confirmation of certificate, § 6:73
 costs of appeal, § 6:86
 costs of assessment, § 6:70
 evidence to be heard, § 6:57
 execution of assessment, § 6:74
 factors to be considered, § 6:30
 hourly rates, § 3:96
 interlocutory costs, § 6:63
 only work actually done to be assessed, § 6:31
 overhead, § 6:40
 particulars, § 6:33
 party who may require assessment, § 6:13
 solicitor-and-client basis, awarded on, § 6:29
 solicitor-and-client costs compared to, § 6:41
 tariff amendment, § 6:46
 unnecessary proceedings, § 6:35
 Party who may require assessment, § 6:13, § 6:14
 solicitor-and-client costs, § 6:14
 Payment of costs after, § 6:74
 Pending appeal, § 6:69
 Place of, § 2:258
 Place of hearing
 mortgage actions, § 2:258
 party-and-party assessment, § 6:81
 solicitor-and-client assessment, § 6:16
 Procedure on, § 6:53 to 6:60
 Reassessment, § 6:85
 Required, § 6:1
 Review of, § 6:66
 Security for costs of, § 6:72
 Sheriff's costs, § 6:10
 Solicitor-and-client costs
 agreements between solicitor and client, § 6:50
 appeals, § 6:80, § 6:82
 assessment officer, § 6:10

LAW OF COSTS

ASSESSMENT—Cont'd

Solicitor-and-client costs—Cont'd
change of place of hearing,
§ 6:18
confirmation of certificate, § 6:73
costs of appeal, § 6:87
costs of assessment, § 6:71
criminal matters, § 6:37
evidence to be heard, § 6:57
execution of assessment, § 6:74
factors to be considered, § 6:30
hourly rates, § 3:96
itemized bill of costs, § 6:32
limitation period, § 3:19
minor's liability for, § 6:36
negligence of solicitor, § 6:48
overhead, § 6:40
particulars, § 6:33
party-and-party costs compared,
§ 6:41
party who may require an assess-
ment, § 6:14
quantum meruit basis, § 6:42,
§ 6:43
reassessment, § 6:85
retainer disputed, § 6:49
tariff amendment, § 6:47
unnecessary proceedings, § 6:35
Solicitor-and-client privilege,
§ 6:60
Stay of execution, § 6:75
Students-at-law, fees chargeable for
services of, § 6:64
Tariff, costs in accordance with,
§ 6:27
Telephone, conducted by, § 6:58

ASSESSMENT OF COSTS FORMS

Affidavit in support of motion to set
aside order on requisition,
APP A § A:42
Appointment for assessment of
costs, APP A § A:44
Certificate of assessment of costs,
APP A § A:31

ASSESSMENT OF COSTS FORMS —Cont'd

Motion by way of appeal from cer-
tificate of assessment, APP A
§ A:34
Motion to oppose confirmation of
report of assessment officer,
APP A § A:46
Motion to set aside order on requis-
ition, APP A § A:41
Notice of appointment for assess-
ment of costs, APP A § A:28
Notice to deliver a bill of costs for
assessment, APP A § A:29
Objections to assessment, APP A
§ A:32
Order dismissing motion to set
aside order on requisition,
APP A § A:43
Order on appeal from certificate of
assessment officer, APP A
§ A:35
Order on motion to oppose
confirmation of report of
assessment officer, APP A
§ A:47
Order on requisition for delivery
and assessment of lawyer's
bill, APP A § A:40
Order on requisition to assess
lawyer's bill delivered, APP A
§ A:36, APP A § A:37
Reply to objections, APP A § A:33
Report of assessment officer, APP
A § A:45

ASSESSMENT OFFICER

Directions to assessment officer,
§ 6:26
Jurisdiction
general, § 6:2, § 6:20
proceedings other than before a
court, § 6:21
Powers and duties
generally, § 6:22 to 6:40
adjournments, § 6:24

ASSESSMENT OFFICER—Cont'd

Powers and duties—Cont'd

agreements between lawyer and client, § 6:50
all costs to be assessed at the same time, § 6:28
bonus or premium, § 6:39
conduct of assessment, § 6:23
costs to be assessed in accordance with judgment, § 6:25
costs to be assessed in accordance with rules and tariffs, § 6:27
criminal matters, § 6:37
delay, § 6:38
division of liability between clients, § 6:51
factors to be considered on assessment, § 6:30
fraud, § 6:52
itemized bill of costs, § 6:32
minors, § 6:36
negligence, § 6:48
only work done to be assessed, § 6:31
overhead, § 6:40
particulars, § 6:33
party-and-party costs on solicitor-and-client basis, § 6:29
reserved decision, § 6:59
retainer, § 6:49
unnecessary proceedings, § 6:35
who is an assessment officer, § 6:19

AWARDS OF COSTS

See AWARDS OF COSTS FORMS

AWARDS OF COSTS FORMS

Bullock order, APPA § A:18
Costs against administrator, APPA § A:22
Costs against executor, APPA § A:22
Costs in any event of the cause, APPA § A:4

AWARDS OF COSTS FORMS

—Cont'd

Costs in the cause, APPA § A:2
Costs in third party proceedings, APPA § A:21
Costs of appeal, APPA § A:26
Costs of counterclaim, APPA § A:17
Costs of motions to consolidate actions, APPA § A:8
Costs on appointment of litigation guardian, APPA § A:12
Costs on judgment directing partition or sale of lands, APPA § A:25
Costs on motion for construction of a will, APPA § A:23
Costs on motion for directions in third party proceedings, APPA § A:14
Costs on order confirming report of local master, APPA § A:13
Costs on order declaring person to be mentally incompetent, APPA § A:24
Costs to one party in the cause, APPA § A:3
Costs where action dismissed, APPA § A:16
Costs where actions to be tried together, APPA § A:7
Costs where judgment for new trial, APPA § A:27
Costs where plaintiff successful, APPA § A:15
Indemnification as to costs between defendants, APPA § A:20
No order as to costs, APPA § A:5, APPA § A:6
Sanderson order, APPA § A:19

BANKRUPTCY

Appeals, § 10:8
Effect on liability for costs, § 2:267
Security for costs by trustee, § 5:14

LAW OF COSTS

BANKRUPTCY AND INSOLVENCY ACT

Application for discharge, § 13:11
Bill of costs
 correspondence, § 13:27
 form of, § 13:24
 litigious matters, § 13:25
 preparation of, § 13:28
 sales of real estate, § 13:26
Consumer proposals, § 13:36
Crown, liability for costs, § 13:4
Discretion of court, § 13:1
Entitlement to costs
 bankrupt, § 13:11
 trustee, § 13:6
Fees of court officers, § 13:13
How costs awarded, § 13:2
Interim receiver, § 13:14
Liability for costs
 creditors, § 13:7
 non-party, § 13:9
 the Crown, § 13:4
 trustee, § 13:5
Limitation of amount of costs,
 § 13:12
Payment of costs, priority of,
 § 13:15, § 13:16
Rules as to costs, § 13:1
Scheme of distribution, § 13:16
Security for costs, § 13:17
Solicitors' fees, § 13:32
Tariff, § 13:19, § 13:37
Taxation of costs
 generally, § 13:21
 allowable items, § 13:32
 appeals from, § 13:35
 bill of costs, form of, § 13:24
 certificate of taxation, § 13:33
 ex parte order for, § 13:23
 factors to be considered, § 13:31
 notice of taxation, § 13:22
 retaxation of bill, § 13:34
 trustee to be represented, § 13:30
Taxing officer, duty of, § 13:29

BANKRUPTCY AND INSOLVENCY ACT—Cont'd

Trustee, liability for costs, § 13:5
Trustees' fees, § 13:31
When costs payable, § 13:3
Where petition dismissed, § 13:10

BILL OF COSTS

See also BILL OF COSTS FORMS
Account settled without delivery of
 bill, § 3:43
Alteration of
 after assessment, § 3:11
 before assessment, § 3:10
Assessment
 application, form of, § 3:13
 application, obtained on, § 3:20,
 § 3:21, § 3:24
 cestui que trust, obtained by,
 § 3:27
 client, obtained by, § 3:17 to 3:22
 creditors, obtained by, § 3:28
 forum for, § 3:14
 judgment obtained on bill, § 3:41
 master, jurisdiction to make
 order, § 3:30
 mortgagor, obtained by, § 3:26
 motion, obtained on, § 3:18,
 § 3:19
 one month following delivery of
 bill, after, § 3:23
 one month following delivery of
 bill, within, § 3:17
 party who may obtain, § 3:29
 requisition, obtained by, § 3:17
 requisition, obtained on, § 3:23
 requisition unobtainable, § 3:33
 to § 3:36
 twelve months following delivery
 of bill, after, § 3:19
 twelve months following delivery
 of bill, within, § 3:18
 twelve months following pay-
 ment of bill, after, § 3:21
 twelve months following pay-
 ment of bill, within, § 3:20

BILL OF COSTS—Cont'd

- Assignment
 - High Court Judge jurisdiction to make order, § 3:30
- Contingency fees, § 3:128
- Courier charges, § 7:23
- Delivery of, § 3:6, § 6:13
- Disputed retainer, § 3:33
- Failure to deliver, § 3:9, § 6:13
- Form of bill, § 3:7
 - See also BILL OF COSTS FORMS
- Joint retainer, § 3:63 to 3:67
- Lump sum charge, § 3:8
- Order, form of, § 3:15
 - See also BILL OF COSTS FORMS
- Reasonable description of services, § 3:7
- Solicitor, obtained by, § 3:23 to 3:25
- Solicitor acting for two clients, § 3:44
- Special circumstances, § 3:34, § 3:37
 - described, § 3:35, § 3:36
 - overcharges, § 3:38
 - pressure, § 3:39
- Time, calculation of, § 3:31
- Withdrawal of
 - after assessment, § 3:11
 - before assessment, § 3:10

BILL OF COSTS FORMS

- Affidavit of disbursements, APP A § A:55
- Bill of costs, APP A § A:53
- Bill of costs in the Federal Court of Canada, APP A § A:61
- Bill of costs of appellant in the Court of Appeal, APP A § A:57
- Bill of costs on an application, APP A § A:56

BILL OF COSTS FORMS—Cont'd

- Bill of costs on motion before judge on party-and-party basis, APP A § A:56
- Notice of appointment for assessment of costs in the Federal Court of Canada, APP A § A:60
- Notice of taxation in the Supreme Court of Canada, APP A § A:58
- Plaintiff's bill of costs after trial, APP A § A:54

BINDING

- Charges for, § 2:180

BONUS

- See PREMIUM

BULLOCK ORDER

- Generally, § 2:55
- Form for, APP A § A:18

CALDERBANK LETTER

- Generally, § 2:103

CANADA BUSINESS CORPORATIONS ACT

- Generally, § 2:281

CANADA ELECTIONS ACT

- Generally, § 5:35

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

- Generally, § 2:151
- Security for costs in Charter litigation, § 5:45

CAPACITY LITIGATION

- Generally, § 2:145

CARRIAGE FIGHTS

- Generally, § 2:37

CARRYING COSTS

- Generally, § 2:241

CASE CONFERENCE

- Generally, § 14:10

LAW OF COSTS

CASE MANAGEMENT SYSTEM

Generally, § 2:288

CERTIORARI

Generally, § 4:29

CHARGING ORDER

Generally, § 3:141

Successive lawyers, § 3:143

CHARTER LITIGATION

See CANADIAN CHARTER OF
RIGHTS AND FREEDOMS

CHILDREN'S LAWYER

Generally, § 2:66

Security for costs, § 5:16

CHILD WELFARE CASES

Generally, § 2:64

CLAIM AND COUNTERCLAIM

Generally, § 2:89

CLASS ACTIONS

Generally, § 2:44 to 2:48

Disbursements, § 2:47

Federal Court, § 11:20

General, § 2:44

Legal fees, § 2:45

Security for costs, § 2:46, § 5:37

CLASSIFICATION OF COSTS

Generally, § 1:2

CLIENT'S FILES

Delivered by discharged solicitor,
§ 3:142, § 3:143

COMMITTEES

Generally, § 2:79

COMPANIES' CREDITORS ARRANGEMENT ACT

Generally, § 10:9

CONDOMINIUM LITIGATION

Generally, § 2:136

CONSTRUCTION LIEN ACTIONS

Appeals, § 15:13

Defendant counterclaiming, posi-
tion as to costs, § 15:7

Discretion of court, § 15:1, § 15:4
to 15:7

Lien claimants, position of respect-
ing costs, § 15:6

Limitation of costs
plaintiff, against, § 15:3
plaintiff, to, § 15:2

Owner, position of respecting costs,
§ 15:5

Quantum of costs, § 15:8
salvage costs, § 15:8

Registration of claim, costs of,
§ 15:9 to 15:12

Sale of premises, costs of, § 15:10

Salvage costs, § 15:11

Security for costs, § 15:12

Vacating registrations of lien, costs
of, § 15:9 to 15:12

CONTEMPT ORDER

Generally, § 2:137

CONTINGENCY FEES

Generally, § 3:128

Agreement not to include costs
except with leave, § 3:55

Approval by the court, § 3:46

Assessment of contingency fee,
§ 3:58

Contingency fee agreements, § 3:48

Enforceability of greater maximum
amount of contingency fee,
§ 3:56

Factors to be considered in applica-
tion, § 3:54

Factors when court approval
required, § 3:61

General, § 3:45

Greater maximum amount where
approved, § 3:53

CONTINGENCY FEES—Cont'd

- Maximum amount of contingency fee, § 3:52
- No contingency fees in certain matters, § 3:50
- Non-application, § 3:57
- Person under disability, § 3:62
- Quantum of contingency fees, § 3:60
- Regulations, § 3:59
- Remuneration dependent on success, § 3:49
- Solicitors Act (Ontario), § 3:47
- Written agreement, § 3:51

CONTRIBUTORY NEGLIGENCE CASES

- Generally, § 2:92

CORPORATIONS

- Generally, § 2:160

COSTS APPLICATION

- Costs of, § 2:14 to 2:16

COSTS AS TERM OF GRANTING ORDER

- Generally, § 2:149

COSTS GRID

- Generally, § 7:4

COSTS OF THE DAY

- Generally, § 2:215

COSTS THROWN AWAY

- Generally, § 2:215

COUNSEL FEE

- Generally, § 2:216 to 2:241
- Change of counsel, § 2:218
- Counsel appearing on own behalf, § 2:219
- Distributive order, § 2:52
- Junior counsel, § 2:216
- Multiple counsel, § 2:216
- Out of town counsel, § 2:220
- Time expended, § 2:221

COUNTERCLAIM

- Generally, § 2:89
- Costs of, form for, APPA § A:17
- Discontinuance, effect on, § 2:123
- Dismissal, effect on, § 2:117
- Party represented by agent, § 2:72

COURT OF APPEAL

- See APPEALS

CRIMINAL PROCEEDINGS

- See AMICUS CURIAE; DEFAMATORY LIBEL PROCEEDINGS; INDICTABLE OFFENCES; RECOGNIZANCES; SUMMARY CONVICTION PROCEEDINGS

CROSSCLAIM

- Discontinuance, effect on, § 2:124
- Dismissal, effect on, § 2:118

CROWN, POSITION OF

- Generally, § 2:30

CUSTODY PROCEEDINGS

- Generally, § 2:64

DEFAMATORY LIBEL PROCEEDINGS

- Costs awarded, § 16:19
- Recovery of costs, § 16:20
- Remission of costs, § 16:22

DEFAULT JUDGMENT

- Generally, § 2:87
- In divorce action, § 2:138

DEFENDANTS

- Indemnification as to costs between, form for, APPA § A:20

DELAY

- Appeals, § 8:19
- Disallowance of costs for, § 4:15
- Effect on assessment
 - party-and-party costs, § 6:38
 - solicitor-and-client costs, § 6:38

LAW OF COSTS

DEPENDANT'S RELIEF LITIGATION

Generally, § 2:143

DIRECTIONS AS TO COSTS

See also AWARDS OF COSTS
FORMS

Actions tried together, form for,
APPA § A:7

All legal, appraisal and other costs,
§ 1:17

All proper costs and expenses,
§ 1:16

Appointment of litigation guardian,
form for, **APPA § A:12**

Costs if demanded, **§ 1:12**

Costs in any event of the cause,
§ 1:10

form for, **APPA § A:4**

Costs in the action, **§ 1:8**

Costs in the cause, **§ 1:8**

form for, **APPA § A:2**

Costs of and incidental to, **§ 1:18**

Costs of this hearing, **§ 1:13**

Costs of this proceeding, **§ 1:14**

Costs reasonably incurred, **§ 1:19**

Costs to one party in the cause,
§ 1:9

form for, **APPA § A:3**

Costs to the successful party, **§ 1:8**

Costs where action dismissed, form
for, **APPA § A:16**

Costs where plaintiff successful,
form for, **APPA § A:15**

Full costs, **§ 1:20**

Motion to consolidate actions, form
for, **APPA § A:8**

No order as to costs, **§ 1:15**

form for, **APPA § A:5, APPA
§ A:6**

Order confirming report of Local
Master, form for, **APPA
§ A:13**

Third party proceedings, form for,
APPA § A:14, APPA § A:21

With costs, **§ 1:21**

DISABILITY

Adults, **§ 2:68**

Infants, **§ 2:67**

DISBURSEMENTS

Appeals, **§ 8:29**

Bank fees, **§ 2:183**

E-document production, **§ 2:170**

Evaluator, **§ 2:173**

Expert witness fees, **§ 2:163**

Facsimile charges, **§ 2:177**

Law Society levy, **§ 2:200**

Lay witness, **§ 2:165**

Litigation support, **§ 2:201**

MRI scans, **§ 2:203**

OHIP subrogated interest claim,
§ 2:204

Overhead, **§ 2:181**

Parking, **§ 2:182**

Photographs, **§ 2:175**

Postage, **§ 2:184**

Printing charges, **§ 2:187**

Research, **§ 2:193**

Scanning charges, **§ 2:178**

Secretarial services, **§ 2:197**

Taxis, **§ 2:187**

Telephone charges, **§ 2:189**

Transcripts of proceedings, **§ 2:166**

Travel charges, **§ 2:190**

Videotape used at trial, **§ 2:174**

Word processing, **§ 2:202**

DISCONTINUANCE OF ACTION

Costs, effect on, **§ 2:121**

Counterclaim, effect on, **§ 2:123**

Crossclaim, effect on, **§ 2:124**

Subsequent action, effect on,
§ 2:125

Third party claim, effect on, **§ 2:124**

Where plaintiff discontinues,
§ 2:122

DISCRETION OF COURT

Generally, **§ 1:1**

Bankruptcy Act, **§ 13:1**

DISCRETION OF COURT

—Cont'd

- Construction lien actions, § 15:1,
§ 15:4 to 15:7
- Federal Court, § 11:2 to 11:22
- Motions, costs of, § 4:1, § 4:9
- Offer to settle, § 2:97, § 2:102
- Party-and-party costs
 - generally, § 2:2 to 2:19, § 2:3,
§ 2:32 to 2:38, § 2:39
 - directions to assessment officer,
§ 2:7
 - Rules of Civil Procedure, § 2:5
 - statutory exceptions, § 2:3
- Security for costs, § 5:4, § 5:56,
§ 5:62
- Solicitor-and-client costs, § 2:132
- Supreme Court of Canada, § 10:1

DISMISSAL

- Appeals, § 8:19
- Challenge by defendant of amount
claimed for costs, § 2:121
- Consent, on, § 2:114
- Counterclaim, effect on, § 2:117
- Crossclaim, effect on, § 2:118
- Defendant pays plaintiff's claim,
§ 2:121
- Delay, for, § 2:113
- Effect on other proceedings, § 2:116
- Judicial review proceedings,
§ 2:120
- Motion, on, § 2:113, § 4:38
- Subsequent action, effect on,
§ 2:119
- Third party claim, effect on, § 2:118
- Want of jurisdiction, for, § 2:88

DISTRICT COURT FEES

- See **TARIFFS**

DIVIDED SUCCESS IN ACTION

- Generally, § 2:91

DOCKETS

- Party and party costs, § 2:14 to
2:16

**DOCUMENTS PRODUCED BY A
PARTY**

- Generally, § 2:169

**ELECTRONIC DOCUMENT
DISCLOSURE**

- Generally, § 2:161

ENHANCED COSTS

- Generally, § 2:1

ENTITLEMENT TO COSTS

- Clean hands doctrine, § 3:73
- Conflict of interest, § 3:72
- Failure to follow instructions,
§ 3:68
- Negligence, § 3:69
- Offers of settlement, § 3:70
- Unnecessary steps, § 3:71

ESTATE LITIGATION

- Generally, § 2:142

ESTATE TRUSTEE

- Compensation, § 2:261

EVALUATOR

- Generally, § 2:173

EXECUTION

- Costs of, § 2:209

EXECUTOR

- See also **Estate Trustee**
- Costs against, form for, **APP A**
§ A:22

**EXEMPTION FROM PAYMENT
OF COSTS**

- Generally, § 2:6

EX PARTE ORDER

- Generally, § 4:62

EXPROPRIATION COSTS

- Appeals, § 2:274 to 2:276
- Assessment, costs of, § 2:280
- Interest
 - assessed costs, on, § 2:277
 - incurred by claimant, § 2:279

LAW OF COSTS

EXPROPRIATION COSTS

—Cont'd

- Interest—Cont'd
 - unpaid accounts, on, § 2:278
- Statutory provisions, § 2:271

FAMILY COURT

- Absent or unprepared party, § 14:8
- Appeals, § 14:31
- Application of the Family Law Rules, § 14:2
- Apportionment of costs, § 14:8
- Bad faith, § 14:9
- Bill of costs, § 14:15
- Conferences, § 14:10
- Costs
 - administrative costs, enforcement, § 14:12
 - enforcement of costs awards, § 2:140
 - entitlement, § 14:3
 - expenses, § 14:13
 - factors respecting costs, § 14:14
 - security
 - see Security for Costs
 - tariff, § 14:32
 - to be decided at each step, § 14:4
- Financial examinations, § 14:17
- General, § 14:1
- Government agency, § 14:18
- Lawyer's or agent's fault, § 14:19
- Offers to settle, § 14:20
- Scale of costs, § 14:6
- Security for costs
 - generally, § 14:22
 - amount and form of security, § 14:23
 - effect of order, § 14:24
 - failure to give security, § 14:25
 - security may be changed, § 14:26
- Summary judgment, § 14:27
- Unreasonable conduct, § 14:28
- Withdrawal, § 14:29
- Writ of seizure and sale, § 14:30

FAMILY LAW CLAIMANTS

- Generally, § 2:43

FEDERAL COURT

- Amendments, § 11:32
- Award and payment of costs, § 11:8
- Bill of costs forms, APP A § A:61
- Class actions, § 11:20
- Crown
 - position of, § 11:23
 - solicitor for, § 11:40
- Directions as to costs
 - generally, § 11:24, § 11:25
 - court may give, § 11:24
 - may be recorded, § 11:25
 - motions for, § 11:25
- Discontinuance of action, § 11:33
- Discontinuance of counterclaim, § 11:34
- Discretion as to costs, § 11:2
 - factors affecting, § 11:3
 - improper or unnecessary steps, § 11:4
- Enforcement of order for costs, § 11:29
- Extensions of time, § 11:35
- Failure to admit facts, § 11:36
- Fees
 - bailiff, § 11:43
 - collection of, § 11:41
 - sheriff, § 11:44
 - waiver of, § 11:42
 - witness, § 11:45
- Fixed or lump sum costs, § 11:4
- Frivolous or unwarranted proceedings, § 11:9
- Immigration rules, § 11:55
- Interim costs, § 11:26
- Intervenors, § 11:21
- Judicial review, § 11:18
- Neglecting to tax costs, § 11:46
- Offer to settle, § 11:22
- Party-and-party costs, § 11:31
- Proving documents, § 11:39
- Public interest litigation, § 11:19

FEDERAL COURT—Cont'd

Refusal to tax costs, § 11:46
 Rules respecting costs, § 11:1
 Security for costs
 generally, § 11:50
 appeals, § 11:51
 exceptions, § 11:54
 immigration rules, § 11:55
 patent actions, § 11:52
 trade mark actions, § 11:53
 Solicitor-and-client costs, § 11:17
 Solicitor-and-client costs may be
 awarded, § 11:7
 Solicitor personally liable for costs,
 § 11:27
 Special directions as to costs,
 § 11:24, § 11:25
 Special orders as to costs, § 11:7
 Tariff
 generally, § 11:56 to 11:59
 amendments to tariff, § 11:59
 application of, § 11:31
 authority for, § 11:31
 Taxation of costs
 Crown, against, § 11:40
 disbursements, § 11:36
 factors to be considered, § 11:31
 neglecting to tax, § 11:46
 party-and-party costs, § 11:31
 refusal to tax, § 11:46
 solicitor-and-client costs, § 11:17
 Third parties, § 11:28
 Trade mark actions, § 11:53
 Travel charges, § 11:37

FEES

Referral fees, § 3:107

FIXING COSTS

Generally, § 2:9 to 2:17
 Degree of indemnification, § 2:12
 General, § 2:9
 Motions, § 4:3
 Must be fair and reasonable, § 2:10
 Procedure, § 2:14 to 2:16

FIXING COSTS—Cont'd

Proportionality, § 2:12
 Reasonable expectation of the parties,
 § 2:11 to 2:13
 Registrar, § 2:17

FOREIGN JUDGMENT FOR COSTS

Generally, § 2:28

FORMA PAUPERIS

Appeal in, § 10:7
 Suitor in, § 2:75

FORMS

See AWARDS OF COSTS FORMS;
 BILL OF COSTS FORMS;
 SECURITY FOR COSTS
 FORMS

FRIVOLOUS, VEXATIOUS OR ABUSIVE PROCEEDINGS

Generally, § 2:19

FULL INDEMNITY COSTS

Generally, § 2:131

GOOD CAUSE RULE

Generally, § 2:33

GST

See HST

GUARDIAN AD LITEM

Generally, § 2:66

HABEAS CORPUS

Generally, § 2:30

HAGUE CONVENTION

Generally, § 2:65

HEALTH SERVICES TAX (NOVA SCOTIA)

Generally, § 2:26.

HISTORICAL INFORMATION

Generally, § 1:1

HST

Generally, § 2:25

LAW OF COSTS

HST—Cont'd

Included in fixed costs, § 2:9 to 2:17, § 12:6

HUMAN RIGHTS PROCEEDINGS

Generally, § 2:3

IMPECUNIOUS LITIGANT

Generally, § 2:35

INDEMNIFICATION

Administrators, § 2:242

Co-contractors, § 2:243

Degree of, § 2:1, § 2:23 to 2:29

Party-and-party costs, § 2:1

See also PARTY-AND-PARTY COSTS

INDICTABLE OFFENCES

Costs, order for, § 16:17, § 16:18

Remission of costs, § 16:22

INFANT SETTLEMENTS

Generally, § 2:67

INFLATION FACTOR

See PARTY-AND-PARTY COSTS

INJUNCTIONS

Generally, § 4:55

INSURANCE COMPANY AS PARTY TO ACTION

Generally, § 2:62

INTEREST ON COSTS

Disbursements, § 2:245

Party-and-party, § 2:245

Solicitor-and-client, § 3:111

INTERIM COSTS

Generally, § 2:21

Federal Court, § 11:26

Matrimonial litigation, § 2:139

Tax Court of Canada, § 12:8

INTERPRETER

Generally, § 2:171

INTERVENERS

Federal Court, § 11:21

Liability for costs, § 2:18

INVESTIGATOR

Generally, § 2:191

ISSUE ESTOPPEL

Generally, § 3:22

JOINDER, RELIEF AGAINST

Generally, § 2:51

JOINDER OF PARTIES

Generally, § 2:63

Unnecessary, § 2:130

JOINT ACTIONS

Generally, § 2:49

JUDICIAL RECOUNT

Generally, § 2:152

JUDICIAL REVIEW

Generally, § 2:153

Federal Court, § 11:18

JUNIOR COUNSEL

See Counsel Fee

JURY TRIALS

Generally, § 2:8

LANDLORD AND TENANT LITIGATION

Generally, § 2:154

LAW CLERK

Generally, § 2:206

LAW SOCIETY LEVY

Generally, § 2:200

LAW STUDENTS

Generally, § 2:205

LEGAL AID ONTARIO

General, § 9:1

Lawyers' remuneration
generally, § 9:6 to 9:23

LEGAL AID ONTARIO—Cont'd

Lawyers' remuneration—Cont'd
 appeal from assessment officer's decision, § 9:19
 appeal to assessment officer, § 9:18
 criminal proceedings, § 9:7
 disallowance of fees, § 9:15
 disbursements, § 9:12
 duty counsel's accounts, § 9:13
 fees and disbursements, schedule of, § 9:11
 overpayment, § 9:17
 procedure for settlement, § 9:10
 request to settle the account, § 9:14
 review and verification of accounts, § 9:20
 settlement by legal accounts officer, § 9:8
 solicitor's lien, § 9:21
 time for submitting account, § 9:9
 Party-and-party costs
 payable by legally aided person, § 9:4
 payable to legally aided person, § 2:71, § 9:3
 Recovery of costs, § 9:5
 Schedule of fees, § 9:24
 Transitional provisions, § 9:22

LIBEL ACTIONS

Generally, § 2:38

LIMITATION OF ACTION

Solicitor-and-client assessment, § 3:19

LIQUIDATOR

Generally, § 2:82

LITIGATION GUARDIAN

Generally, § 2:66, § 14:43
 Form for appointment of, APP A § A:12

LITIGATION SUPPORT

Generally, § 2:201

LUMP SUM AWARD

Generally, § 2:9 to 2:17

MAREVA INJUNCTION

Generally, § 4:60

MARY CARTER AGREEMENT

Generally, § 2:59

MATRIMONIAL LITIGATION

Generally, § 2:138
 Enforcement of costs awards, § 2:140
 Interim costs, § 2:139
 Interim disbursements, § 2:145
 Security for costs, § 5:38

MEDIATION

Generally, § 2:210

MENTALLY INCOMPETENT PERSON

Capacity litigation, § 2:145
 Order declaring person to be, form for, APP A § A:24

MISCARRIAGE IN PROCEDURE

Generally, § 2:34

MISCONDUCT OF PARTIES

Generally, § 2:34

MISTRIAL

Generally, § 2:127

MORTGAGE ACTIONS

Foreclosure action
 defendant redeems, § 2:246
 security for costs by subsequent encumbrancers, § 2:248
 subsequent encumbrancers, § 2:247
 Mortgage reference, § 2:254 to 2:258
 Offer to settle, § 2:255
 Power of sale proceedings, § 2:257

LAW OF COSTS

MORTGAGE ACTIONS—Cont'd

- Redemption action
 - nothing due to defendant, § 2:253
 - plaintiff fails to redeem, § 2:252
- Sale action
 - defendant redeems, § 2:250
 - subsequent costs where property sold, § 2:251
- Scale of costs, § 2:256

MOTIONS

- Abandoned motions, § 4:6 to 4:8
- Abuse of process, § 4:12
- Actions tried together, § 4:18
 - form for, APPA § A:7
- Adding parties
 - defendant adding co-defendant, § 4:21
 - defendant adding third party, § 4:22
 - plaintiff adding co-plaintiff, § 4:19
 - plaintiff adding defendant, § 4:20
- Affidavit of documents, § 4:66
- Amendment of pleadings
 - generally, § 4:23
 - at trial, § 4:25
 - before trial, § 4:24
 - on appeal, § 4:26
- Change of place
 - motions, § 4:30
 - trial, § 4:30
- Commission, § 4:32
- Consent, § 4:7
- Consolidation of actions, § 4:33
- Default judgment, to set aside, § 4:35
- Delay in moving, § 4:15
- Determination of an issue, for, § 4:36
- Directions, § 4:37
- Discharge of certificate of pending litigation, § 4:28
- Discretion
 - court of, § 4:1

MOTIONS—Cont'd

- Discretion—Cont'd
 - trial judge, § 4:9
- Dismissal, for
 - delay, § 4:38
 - lack of jurisdiction, § 4:39
- Disposition of costs, § 4:2 to 4:5
- Enforcement of settlement, § 4:41
- Examinations
 - costs of adverse party, § 4:43
 - discovery, for, § 4:46
 - discovery of non-party, § 4:48
 - improper conduct of, § 4:44
 - refusal to attend, § 4:47
- Ex parte, § 4:62
- Expedited trial, § 4:50
- Failure to comply with order, § 4:51
- Failure to pay costs, sanctions for, § 4:4
- Inspection of property, § 4:52
- Interim order for preservation or sale of property, § 4:53
- Interim order for recovery of personal property, § 4:54
- Interpleader, § 4:56
- Letters rogatory, § 4:58
- Litigation guardian, § 4:59
- Mareva injunction, § 4:60
- Master's report, confirmation of, § 4:33
- Medical examination, § 4:61
- Notice of, form for, APPA § A:34
- Noting in default, § 4:63
- Opposing confirmation of report of assessment officer, form for, APPA § A:47
- Particulars, for, § 4:64
- Payment out of court
 - directly to solicitor, § 4:65
 - party under disability, § 4:65
 - security for costs, § 4:65
- Production of documents
 - from a party, § 4:66
 - from one not a party, § 4:66

MOTIONS—Cont'd

- Proposal for settlement of motion,
§ 4:10
- Quashing appeal, § 4:67
- Question of law, § 4:68
- Receiver, § 4:69
- Recovery of personal property held
as security, § 4:70
- Recusal, § 4:71
- Renewal of writ of summons,
§ 4:74
- Reserved costs, § 4:11
- Scandalous matter, § 4:85
- Sealing order, § 4:76
- Security for costs, § 4:77
- Service ex juris, § 4:78
- Setting aside order dismissing
action, § 4:79
- Setting aside order on requisition,
form for, APPA § A:41
- Setting aside service of originating
process outside Ontario, § 4:80
- Solicitor-and-client costs, § 4:16
- Staying action, § 4:81
- Striking out action, § 4:81
- Striking out jury notice, § 4:84
- Striking out parties, § 4:82
- Striking out pleadings, § 4:83
- Summary judgment, § 4:86
- Third party proceedings
claim, § 4:87
- form for, APPA § A:14, APPA
§ A:21
- Threshold motion, § 4:88
- Undertakings, enforcement of,
§ 4:42
- Unnecessary motions, § 4:13
- Unnecessary parties, § 4:14
- When costs payable, § 4:3
- Without notice, § 4:62
- Writing, motion in, § 4:91
- Wrong forum, brought in, § 4:89

**NEW MATTERS NOT
PREVIOUSLY DECIDED**

- Generally, § 2:34

NEW TRIAL

- Generally, § 2:259 to 2:263

NEXT FRIEND

- Generally, § 2:66

NON-PARTY

- Costs against, § 2:76, § 13:9
- Costs in favour of, § 2:77

**NON-PAYMENT OF COSTS OF
PREVIOUS ACTION**

- Generally, § 2:266 to 2:268

**NOT-FOR-PROFIT
CORPORATIONS**

- See CORPORATIONS

OFFER TO SETTLE

- Acceptance of, § 2:99
- Calderbank Letter, § 2:103
- Contingency fees, § 3:129
- Costs on settlement, § 2:109
- Discretion of court, § 2:97, § 2:102
- Failure to accept, § 2:100
- Failure to make, § 2:107, § 2:132
- Multiple defendants, § 2:105
- Multiple plaintiffs, § 2:104
- Offer to contribute, § 2:106
- Rule 49
 - application of, § 2:98
 - cases prior to, § 2:108
- Time limits, § 2:101
- Without prejudice, § 2:102, § 2:103

OFFICIAL GUARDIAN

- See PUBLIC GUARDIAN AND
TRUSTEE

**OHIP SUBROGATED INTEREST
CLAIM**

- Generally, § 2:204

**ONTARIO BUSINESS
CORPORATIONS ACT**

- Generally, § 2:284

ONTARIO LEGAL AID PLAN

- See LEGAL AID ONTARIO

LAW OF COSTS

ONTARIO RACING COMMISSION

Generally, § 2:3

ONTARIO SECURITIES COMMISSION

Generally, § 2:3

OPPRESSION LITIGATION

Generally, § 2:144

OVERHEAD

Generally, § 3:99

Charges for, § 2:181

On party-and-party assessment,
§ 6:40

On solicitor-and-client assessment,
§ 6:40

PARALEGALS

Cost allowed, § 2:208

Small Claims Court, § 14:47

PARKING

Generally, § 2:182

PARTIAL INDEMNITY COSTS

See PARTY-AND-PARTY COSTS

PARTITION OR SALE OF LAND

Costs on judgment directing, form
for, APPA § A:25

PARTY-AND-PARTY COSTS

Aging factor, § 2:238

Agreements respecting remunera-
tion

see AGREEMENTS RESPECT-
ING REMUNERATION

Arbitration, costs on, § 2:270

Assessment

see ASSESSMENT

Attendance money, § 4:49

Bill of costs forms, APPA § A:57

Carrying costs, § 2:241

Case management system, § 2:288

Claim and counterclaim, § 2:89

Condominium litigation, § 2:136

Conflict of interest, § 2:213

PARTY-AND-PARTY COSTS

—Cont'd

Contributory negligence, § 2:92

Costs as term of granting
indulgence, § 2:149

Costs grid, § 7:8

Costs of previous action not paid,
§ 2:266 to 2:268

Costs of the day, § 2:215

Costs payable out of an estate, § 6:9

Costs where action dismissed, form
for, APPA § A:16

Counsel fee

generally, § 2:216

appearance on own behalf,
§ 2:216

counsel appearing on own behalf,
§ 2:219

time expended, § 2:221

Counterclaim, § 2:89

Crown, position of, § 2:30

Described, § 1:2, § 2:1

Directions to assessment officer,
§ 2:7

Discontinuance of action

see DISCONTINUANCE OF
ACTION

Discretion of court

see DISCRETION OF COURT

Dismissal

see DISMISSAL

Divided success in action, § 2:91

Enhanced costs, § 2:1

Estate litigation, § 2:142

Exemption from payment of costs,
§ 2:6

Expropriation costs

see EXPROPRIATION COSTS

Failure to pay costs, sanctions for,
§ 4:4

Family law claimants, § 2:43

Federal Court

see FEDERAL COURT

Full indemnity costs, § 2:131

Fund, costs payable out of, § 6:9

PARTY-AND-PARTY COSTS

—Cont'd

Good cause rule, § 2:33
 Hourly rates, § 2:223
 Indemnification
 generally, § 1:3, § 1:4, § 2:23 to 2:29, § 2:242 to 2:244
 administrators, § 2:242
 co-contractors, § 2:243
 degree of, § 1:5, § 2:1
 Inflation factor, § 2:29
 hourly rates, § 2:223
 Interest on costs, § 2:245
 Interim costs, § 2:21
 Jurisdiction of court, § 2:20 to 2:22
 Jury trials, § 2:8
 Lump sum award, § 2:9 to 2:17
 Matrimonial litigation, § 2:138
 Mortgage actions
 see MORTGAGE ACTIONS
 New trial ordered, § 2:259 to 2:263
 Non-party
 costs against, § 2:76
 costs in favour of, § 2:77
 Offer to settle
 see OFFER TO SETTLE
 Ontario Legal Aid Plan
 see LEGAL AID ONTARIO
 Paralegal expenses, § 2:208
 Party represented by agent, § 2:72
 Passing accounts, § 2:260
 Pre-action costs, § 2:22
 Preparation for trial, § 2:222
 Pre-trial conference, § 2:263
 Punitive order, § 2:23 to 2:29
 Refusal to admit, § 2:128
 Registrar, costs fixed by, § 2:17
 Retroactive legislation, effect on costs, § 2:264
 Scale of, § 1:2
 solicitor and client, as between, § 1:4
 tariff, § 1:3

PARTY-AND-PARTY COSTS

—Cont'd

Self-represented litigant
 see PARTY APPEARING ON OWN BEHALF
 Set-off, § 2:90
 Set-off of costs
 costs, against, § 2:93
 judgment, against, § 2:94
 Several defendants
 see SEVERAL DEFENDANTS
 Several plaintiffs
 see SEVERAL PLAINTIFFS
 Simplified procedure, § 2:286
 Solicitor acting for mental incompetent, § 2:213
 Solicitor acting without authority, § 2:211
 Solicitor-and-client costs, § 2:132
 contractual provisions, § 2:133
 Solicitor's conduct taken into account, § 2:212
 Special case, costs of, § 2:265
 Successful party denied costs, § 2:32 to 2:38
 Successful party entitled to costs, § 2:32 to 2:38
 exceptions to principle, § 2:34, § 2:39
 Travel charges, § 2:190
 Two actions tried together, § 2:110
 Unnecessary joinder of parties, § 2:130
 Unnecessary proceedings, § 2:129
 Unsuccessful party not liable for costs, § 2:40
 Varying judgment as to costs, § 2:269
 When costs payable, § 2:15
 Wrong court, action brought in, § 2:85 to § 2:87

PARTY APPEARING ON OWN BEHALF

Generally, § 2:72
 Entitlement to costs, § 2:72

LAW OF COSTS

**PARTY APPEARING ON OWN
BEHALF—Cont'd**

Liability for costs, § 2:73

Security for costs, § 5:9

**PARTY NOT LIABLE FOR
COSTS TO OWN SOLICITOR**

Generally, § 2:40

PASSING OF ACCOUNTS

Generally, § 2:260

PATENT ACTIONS

Generally, § 11:52

**PATERNITY AND SUPPORT
PROCEEDINGS**

Generally, § 2:64

PENSION TRUST FUNDS

Generally, § 2:148

PERSON NOT A PARTY

Generally, § 2:76, § 12:10

PHOTOCOPYING

Charges for, § 2:176

PHOTOGRAPHS

Charges for, § 2:175

PIERRINGER AGREEMENT

Generally, § 2:60

PLAINTIFF

Costs where plaintiff successful,
form for, APPA § A:15

POSTAGE

Charges for, § 2:184

POSTJUDGMENT INTEREST

Generally, § 2:245

PRE-ACTION COSTS

Generally, § 2:22

PRE-LITIGATION CONDUCT

Generally, § 2:135

PREMIUM

Party-and-party costs, § 2:239,
§ 6:39

Solicitor-and-client costs, § 3:90,
§ 6:39

PREPARATION FOR TRIAL

Generally, § 2:222

PRE-TRIAL CONFERENCE

Generally, § 2:263

PRINTING

Charges for, § 2:187

PRO BONO COUNSEL

Generally, § 2:71

**PROVINCIAL COURT (CIVIL
DIVISION).**

See also PROVINCIAL COURT
(FAMILY DIVISION)

Appeal, costs on, § 14:51

Counsel fee

solicitor, representation by,
§ 14:47

student, representation by,
§ 14:48

Disbursements

entitlement, § 14:44

review by court, § 14:45

Litigation guardian, § 14:43

See also LITIGATION GUARD-
IAN

Motions

entitlement, § 14:39

Offer to settle

acceptance of offer, § 14:36

non-acceptance of offer, § 14:37

Pre-trial conference

failure to attend, § 14:40

inadequate preparation of party,
§ 14:41

quantum of costs, § 14:42

Rules respecting costs, § 14:33

Service outside Ontario, § 14:35

Tariff, § 14:52

PROVINCIAL COURT (CIVIL DIVISION).—Cont'd

Trial costs, § 14:44 to 14:50
Witness failing to attend, § 14:49

PROVINCIAL COURT (FAMILY DIVISION)

See also PROVINCIAL COURT (CIVIL DIVISION)
Investigative costs, § 14:3
Offer to settle, § 14:4
Rules respecting costs, § 14:1
Tariff, § 14:8
Witness fees, § 14:7

PROVINCIAL SALES TAX

Generally, § 2:27

PUBLIC GUARDIAN AND TRUSTEE

Generally, § 2:66

PUBLIC INTEREST LITIGATION

Generally, § 2:154
Federal Court, § 11:19
Security for costs, § 5:19

PUBLIC SECTOR ORGANIZATIONS

Generally, § 2:159

PUBLIC TRUSTEE

Generally, § 2:66

PUNITIVE ORDER

Generally, § 2:23 to 2:29

QUANTUM MERUIT

Generally, § 1:6, § 3:73, § 6:42

REASONABLENESS OF FEE

Ability of client to pay, § 3:91
Aging factor, § 3:92
Complexity, degree of, § 3:84
Delay, § 3:79
Dockets kept, § 3:82
Estimates, § 3:93
Importance of matter to client, § 3:87

REASONABLENESS OF FEE —Cont'd

Monetary value of matter, § 3:86
Overhead of law firm, § 3:96
Responsibility assumed, degree of, § 3:85
Results achieved, § 3:89
Skill and competence, degree of, § 3:88
Solicitor-and-client costs, § 3:75 to 3:109
Time expended
 generally, § 3:76
 duplication of time, § 3:78
 excessive time, § 3:77
 travelling time, § 3:80
 waiting time, § 3:81

RECEIVERS

Generally, § 2:81

RECOGNIZANCES

Generally, § 16:21
Remission of costs, § 16:22

RECUSAL

Generally, § 4:71

REFUSAL TO ADMIT

Generally, § 2:128

REGISTRAR, COSTS FIXED BY

Generally, § 2:17

RELATORS

Generally, § 2:78

RELIEF FROM FORFEITURE

Generally, § 4:72

REMISSION OF COSTS

Generally, § 16:22

REPRESENTATIVE ACTIONS

Generally, § 2:44 to 2:48

RETAINER

Corporate retainer, § 3:64
General, § 3:63
Joint retainer, § 3:63

LAW OF COSTS

RETAINER—Cont'd

Lack of retainer, § 3:65

Termination, § 3:66

RETROACTIVE LEGISLATION, EFFECT ON COSTS

Generally, § 2:264

SANDERSON ORDER

Generally, § 2:56

Form for, APPA § A:19

SCANNING CHARGES

Generally, § 2:178

SCHEDULES OF FEES

See TARIFFS

SEALING ORDER

Generally, § 4:76

SECRETARIAL SERVICES

Generally, § 2:197

SECURITY FOR COSTS

See also SECURITY FOR COSTS
FORMS

Amount of, § 5:56

Another proceeding for same relief,
§ 5:24

Appeals

appeal from order, § 5:44

non-resident defendant, § 5:42

non-resident plaintiff, § 5:41

Arbitration, § 5:40

Assessments, § 6:72

Availability of, § 5:2

Bankruptcy Act, § 13:17

Business Corporations Act
(Alberta), § 5:33

Business Corporations Act
(Ontario), § 5:34

Canada Elections Act, § 5:35

Canadian Charter of Rights and
Freedoms, § 5:3

Class actions, § 2:44, § 5:37

Construction Lien actions, § 15:12

Corporate plaintiff, § 5:26

SECURITY FOR COSTS—Cont'd

Counterclaim, § 5:17

Court appointed special receiver,
§ 5:15

Decreasing security, § 5:61 to 5:70,
§ 5:67

Default of plaintiff, § 5:60

Defendant ordered to give, § 5:47,
§ 5:48

Delay in applying, § 5:52

Discretion of court, § 5:4, § 5:56,
§ 5:62

Effect of order, § 5:58

Federal Court

see FEDERAL COURT

Form of security, § 5:57

Frivolous and vexatious actions,
§ 5:27

Impecunious plaintiff, § 5:70

In Charter litigation, § 5:45

Increasing security

generally, § 5:61 to 5:70

administration of estates, § 5:65

discretion of court, § 5:62

requirements for, § 5:63

several defendants, § 5:66

time for applying, § 5:64

Jurisdiction to order, § 5:1 to 5:3

Libel and Slander Act, § 5:30

Limited partnership, § 5:13

Matrimonial actions, § 5:38,
§ 14:22

Motion for, § 5:49, § 5:50

Nominal plaintiff, § 5:26

Non-plaintiffs, § 5:36

Non-resident defendant, § 5:18

Non-resident plaintiff

generally, § 5:5

alimony actions, § 5:6

corporate plaintiff, § 5:12

custody actions, § 5:6

defendant possessing money of
plaintiff, § 5:6

divorce actions, § 5:6

impecunious plaintiff, § 5:9

SECURITY FOR COSTS—Cont'd

Non-resident plaintiff—Cont'd
 infant plaintiff, § 5:7
 mental incompetent, § 5:8
 no defence to the claim, § 5:6
 plaintiff having property in the jurisdiction, § 5:6
 several plaintiffs, § 5:11
 Notice of compliance, § 5:59
 Party appearing on own behalf, § 5:10
 Place of residence, declaration of, § 5:48
 Plaintiff resident within jurisdiction, § 5:20
 Plaintiff residing out of jurisdiction, § 5:5 to 5:21
 Plaintiff temporarily resident within jurisdiction, § 5:22
 Provision of, § 5:55 to 5:60
 Public Authorities Protection Act, § 5:29
 Public interest litigant, § 5:19
 Reciprocal enforcement legislation, § 5:23
 Release of security, § 5:71
 procedure for, § 5:72
 Several defendants, § 5:53
 Statutory provisions for, § 5:28 to 5:35
 Subsequent motion, § 5:46
 Supreme Court of Canada
 see SUPREME COURT OF CANADA
 Temporary residence of plaintiff in jurisdiction, § 5:22
 Term of relief, as a, § 5:69
 Third party proceedings, § 5:54
 Time for application for, § 5:51
 Trustee in bankruptcy, by, § 5:14
 Unpaid costs of any proceeding, § 5:25
 Vexatious litigant, § 5:27
 Victim's Bill of Rights, 1995, § 5:32

SECURITY FOR COSTS FORMS

See also SECURITY FOR COSTS
 Affidavit in support of motion for security for costs, APPA § A:51
 Estimated bill of costs for affidavit in support of motion for security for costs, APPA § A:52
 Motion for security for costs, APPA § A:50
 Notice of compliance, APPA § A:54
 Order for security for costs, APPA § A:53

SEDONA CANADA PRINCIPLES

Generally, § 2:161

SELF-REPRESENTED LITIGANT

See PARTY APPEARING ON OWN BEHALF

SET-OFF

Generally, § 2:90

SET-OFF OF COSTS

Against costs, § 2:93
 Against judgment, § 2:94
 Against spousal support, § 2:95
 Solicitor's lien, § 2:96

SETTLEMENT

Costs on, § 2:109
 Enforcement of, § 4:41
 Infants, § 2:67

SEVERAL DEFENDANTS

Apportionment of costs, § 2:58
 Bullock order, § 2:55
 Child welfare cases, § 2:64
 Entitlement to costs, § 2:53
 Forma pauperis, suitor in, § 2:75
 Insurance company as party to action, § 2:62
 Joinder of parties, § 2:63
 Liability for costs, § 2:53
 Litigation guardian, § 2:66
 Mary Carter agreement, § 2:59

LAW OF COSTS

SEVERAL DEFENDANTS

—Cont'd

- Offer to contribute, § 2:106
- Offer to settle, § 2:105
- Party appearing on own behalf, § 2:72
- Party not liable for costs to own solicitor, § 2:71
- Person not a party, § 2:76
- Relators, § 2:78
- Salaried solicitor, representation by, § 2:69
- Sanderson order, § 2:56
- Severance of defences, § 2:57
- Solicitor appearing on own behalf, § 2:72
- Third party proceedings, § 2:61
- Unqualified solicitor, representation by, § 2:70

SEVERAL PARTIES

- Assessment of costs by, § 6:13

SEVERAL PLAINTIFFS

- Apportionment of costs, § 2:52
- Class actions, § 2:44 to 2:48
- Husband and wife, action by, § 2:41
- Joinder, relief against, § 2:51
- Joint actions, § 2:49
- Representative action, § 2:44 to 2:48
- Substantially similar interests, parties with, § 2:50
- Successful plaintiff entitled to costs, § 2:41
- Unsuccessful plaintiff liable for costs, § 2:41
- Wrong court, action brought in, § 2:86

SEVERANCE OF DEFENCES

- Generally, § 2:57

SHERIFF

- Costs, § 6:10
- Fees
- see TARIFFS

SIMPLIFIED PROCEDURE

- Generally, § 2:286
- Security for costs, § 5:39

SMALL CLAIMS COURT

- Appeals from orders as to costs, § 14:50
- Costs at trial, § 14:44 to 14:50
 - on appeal, § 14:51
- Counsel fee, § 14:47
 - compensation for inconvenience and expense, § 14:48
 - party represented by lawyer, student-at-law or paralegal, § 14:47

Disbursements

- generally, § 14:44
- assessment of, § 14:45
- entitlement, § 14:44
- Expert witness, § 14:38
- General, § 14:33
- Limitation of costs, § 14:34
- Litigation guardian, § 14:43
- Motions, § 14:39
 - entitlement, § 14:39
- Offer to settle
 - generally, § 14:36
 - when offer is accepted, § 14:36
 - when offer is not accepted, § 14:37
- Service, cost of effecting, § 14:46
- Settlement conference
 - generally, § 14:40 to 14:42
 - failure to attend, § 14:40
 - general, § 14:40
 - quantum, § 14:42
 - where party inadequately prepared, § 14:41
- Tariff, § 14:52
- When costs payable, § 14:35
- Witness who fails to attend, § 14:49

SOLICITOR

- Appearing on own behalf, § 2:72
- Authority, acting without, § 2:211
- Conduct taken into account, § 2:212

SOLICITOR—Cont'd

- Mental incompetent, acting for,
§ 2:213
- Personal liability for costs, § 2:211
to 2:214, § 10:3
- Salaried, representation by, § 2:69
- Unqualified, representation by,
§ 2:70

**SOLICITOR-AND-CLIENT
COSTS**

- See also PARTY-AND-PARTY
COSTS
- Account taken of client's money,
§ 3:110
- Action brought by insurers, § 3:113
- Action for, § 3:4
- Agreements respecting remunera-
tion
 - see AGREEMENTS RESPECT-
ING REMUNERATION
- Appeals, § 8:24
- Assessment
 - see ASSESSMENT
- Assignment of claim for costs,
§ 3:115
- Bill of costs. see BILL OF COSTS
- Charging order, § 3:141
 - successive lawyers, § 3:143
- Client's expectation of fees, § 3:103
- Conflict of interest, § 3:104
- Counsel fees, liability for, § 3:117
- Daily rates, § 3:97
- Described, § 1:2
- Dockets, importance of keeping,
§ 3:82
- Estates
 - administration of, § 3:120
 - executor's work done by solici-
tor, § 3:122
 - passing of accounts, § 3:121
- Factors considered on assessment
 - see ASSESSMENT;
 - REASONABLENESS OF
FEE

**SOLICITOR-AND-CLIENT
COSTS—Cont'd**

- Federal Court
 - see FEDERAL COURT
- Fee discounts, § 3:95
- Hourly rates
 - generally, § 3:96
 - when costs fixed, § 3:97
- Interest, § 3:111
- Interim billing, § 3:94
- Limitation of action for costs,
§ 3:123
- Litigation guardian, § 3:119
- Matters affecting entitlement
 - conflict of interest, § 3:72
 - failure to communicate offers of
settlement, § 3:70
 - failure to follow instructions,
§ 3:68
 - negligence of solicitor, § 3:69
 - unnecessary steps taken by solici-
tor, § 3:71
- Mileage, § 3:100
- Non-professional services, § 3:114
- Official Guardian, payment onto
court, § 3:118
- Ontario Legal Aid Plan
 - see LEGAL AID ONTARIO,
solicitors' remuneration
 - risk of non-recovery of fees,
§ 3:108
- Pre-litigation conduct, § 2:135
- Quantum meruit basis, § 1:6
- Reasonableness of fee, § 3:75 to
3:109
 - see REASONABLENESS OF
FEE
- Referral fees, § 3:107
- Repayment to client, § 6:76
- Retainer in writing, § 3:3
- Security for costs, § 3:116
- Series of bills, § 3:32
- Settlement of action, § 3:112
- Solicitor-and-client privilege,
§ 3:12

LAW OF COSTS

SOLICITOR-AND-CLIENT COSTS—Cont'd

Stay of proceedings, § 3:124
Supreme Court jurisdiction
generally, § 3:1 to 3:5
inherent, § 3:2
statutory, § 3:3
Supreme Court of Canada in,
§ 10:22
Time estimates, § 3:83
Time of bringing action for fees,
§ 3:6
Travel charges, § 3:80
Where punitive damages awarded,
§ 2:23 to 2:29, § 2:134
Withdrawal of services, § 3:101

SOLICITOR-AND-CLIENT PRIVILEGE

Generally, § 3:12, § 6:60

SOLICITORS' LIEN

Generally, § 3:142, § 3:143

SPECIAL CASE, COSTS OF

Generally, § 2:265

STAY OF PROCEEDINGS

Motion to stay action, § 4:81
Pending appeal, § 6:69
Private prosecution, § 16:23

SUBSEQUENT ACTION AFTER DISCONTINUANCE OF ACTION

Generally, § 2:125

SUBSEQUENT ACTION AFTER DISMISSAL

Generally, § 2:119

SUBSTANTIAL INDEMNITY COSTS

See SOLICITOR-AND-CLIENT
COSTS

SUBSTANTIALLY SIMILAR INTERESTS, PARTIES WITH

Generally, § 2:50

SUCCESSFUL PARTY DENIED COSTS

Generally, § 2:32 to 2:38

SUCCESSFUL PARTY ENTITLED TO COSTS

Generally, § 2:32 to 2:38
Exceptions to principle, § 2:34

SUMMARY CONVICTION PROCEEDINGS

Appeals
Court of Appeal, § 16:12
Summary Convictions Appeal
Court, § 16:11
Costs defined, § 16:6
Costs part of fine, § 16:4
Default of payment, § 16:5
Discretion of court, § 16:2
Enforcement of order
committal, § 16:16
costs payable to clerk, § 16:14
default, procedure on, § 16:15
Fees and allowances
generally, § 16:8
disallowance of, § 16:7
schedule of, § 16:10
Order for costs, § 16:3
Remission of costs, § 16:22

SUPREME COURT OF CANADA

Amendments, § 10:5
Appeals as to costs only, § 10:6
Bankruptcy matters, § 10:8
Costs, appeals as to, § 10:6
Crown, position as to costs, § 10:10
Discontinuance of appeal, § 10:11
Discretion of court, § 10:1
Enforcement of order as to costs,
§ 10:12
Factum to contain statement as to
costs, § 10:23
Fees
see TARIFFS
Forma pauperis, appeals in, § 10:7
Postponement of hearing, § 10:13

SUPREME COURT OF CANADA

—Cont'd

- Quashed appeal, § 10:14
- Rehearing, § 10:15
- Rules respecting costs, § 10:4
- Security for costs
 - generally, § 10:16
 - procedure, § 10:17
 - when security not required, § 10:18
- Solicitor-and-client costs, § 10:22
 - award of, § 10:1, § 10:4
 - how quantum established, § 10:22
- Tariff
 - see TARIFFS
- Taxation of costs
 - fees, collection of, § 10:26
 - objections to, § 10:28
 - printed material, § 10:27
 - registrar, power and authority of, § 10:25
 - review of, § 10:29
 - tariff, § 10:24
- Writ of execution, § 10:12

TARIFFS

- Appeal
 - generally, § 7:62
 - abandoned appeal, § 7:67
 - counsel fee, § 7:65
 - Court of Appeal, § 7:62
 - disbursements, § 7:70
 - factums, § 7:69
 - judge, § 7:72
 - leave to, § 7:63
 - motion to quash, § 7:66
 - motion to stay, § 7:68
 - preparation, § 7:64
- Application of, § 7:6
- Applications, § 7:33
- Attendance allowance
 - affidavit of disbursements, § 7:11
 - necessity of particular witness, § 7:12

TARIFFS—Cont'd

- Attendance allowance—Cont'd
 - oral examinations, § 7:16
 - party as witness, § 7:14
 - preparation of witnesses, § 7:13
 - solicitor as witness, § 7:15
- Authority for, § 7:1
- Bankruptcy Act, § 13:19, § 13:37
- Brief at trial, § 7:39
- Burden of proof, § 7:10
- Correspondence, § 7:38
- Counsel fee
 - action dismissed, § 7:53
 - action proceeds to trial, § 7:51
 - action settled, § 7:52
 - adjournments, § 7:58
 - brief attendance, § 7:43
 - duration of trial, § 7:54
 - eight-day trial, § 2:233
 - factum, § 7:55
 - five-day trial, § 7:48
 - four-day trial, § 7:47
 - junior counsel fee, § 7:60
 - lengthy trial, § 7:50
 - one and one-half day trial, § 7:45
 - one-day trial, § 7:44
 - on settlement, § 7:40
 - quantum of, § 7:42
 - six-day trial, § 7:49
 - two actions tried together, § 7:57
 - two and one-half day trial, § 7:46
 - waiting time, § 7:59
 - when applicable, § 7:41
 - written argument, § 7:56
- Examination and transcript of evidence, § 7:18
- Examinations, § 7:34
- Experts reports, § 7:20
- Expert witness, § 7:21
- Faulty material, § 7:71
- Federal Court, § 11:56 to 11:59
- Former tariffs, § 7:29 to 7:74
- Inflation as a factor, § 7:2
- Junior counsel fee, § 7:35

LAW OF COSTS

TARIFFS—Cont'd

- Legal Aid Ontario, § 9:24
- Motions, § 7:32
- New tariffs, § 7:3 to 7:5
- Order, § 7:61
- Pleadings, § 7:30
- Preparation for trial, § 7:37
- Preparation of plan, § 7:19
- Pre-trial conference, § 7:35
- Provincial Court (Civil Division), § 14:52
- Provincial Court (Family Division), § 14:8
- Purpose of, § 7:2
- Reference, § 7:73
 - assessment of damages, § 7:74
- Service of documents, § 7:17
- Setting down for trial, § 7:31
- Sheriff's fees, § 7:25
- Summary conviction proceedings fees and allowances, § 16:10
- Supreme Court of Canada, § 7:24, § 10:24, § 10:30
- Surrogate Court
 - generally, § 7:27
 - fees payable, § 7:28
 - passing of accounts, § 7:27
- Tariff A, § 7:29 to 7:74
- Travelling expenses of party, § 7:22
- Trial, § 7:41

TAXATION OF COSTS

- See also ASSESSMENT
- Bankruptcy and Insolvency Act
 - see BANKRUPTCY AND INSOLVENCY ACT
- Federal Court
 - see FEDERAL COURT
- Supreme Court of Canada
 - see SUPREME COURT OF CANADA
- Tax Court of Canada. see TAPP A § AX COURT OF CAPP A § ANAPP A § ADAPP A § A

TAX COURT OF CANADA

- Appeals, § 12:27
- Counsel
 - liability for costs, § 12:13
- Crown
 - entitlement to costs, § 12:11
 - liability for costs, § 12:11
- Directions to taxing officer, § 12:12
- Disbursements, § 12:34
- Discontinuance, costs on, § 12:14
- Discretion as to costs, § 12:2 to 12:18
 - factors affecting discretion, § 12:3
 - general, § 12:2
- Failure to elect under subsec. 18(1) of the Act, § 12:16
- Fixed or lump sum costs, § 12:4
- General, § 12:2
- Harmonized Sales Tax (HST), § 12:6
- Informal procedure
 - advisor other than counsel, § 12:40
 - appeals from taxation, § 12:45
 - counsel fees, § 12:39
 - disbursements, § 12:41
 - general, § 12:38 to 12:45
 - taxation of costs, § 12:44
 - taxes on counsel fees and disbursements, § 12:42
 - vexatious proceedings, costs in, § 12:46
 - witness fees, § 12:43
- Interim costs, § 12:8
- Lump sum costs, § 12:4
- Offers to settle, § 12:17
- Person not a party, § 12:10
- Security for costs, § 12:19 to 12:25
 - amount may be varied, § 12:24
 - amount of, § 12:21
 - default of appellant, § 12:23
 - effect of direction, § 12:22
 - form of, § 12:21
 - general, § 12:19

TAX COURT OF CANADA

—Cont'd

Security for costs, § 12:19 to 12:25

—Cont'd

notice of compliance, § 12:25
when application to be made,
§ 12:20

Settlement, costs on, § 12:15

Solicitor and client costs, § 12:9

Special orders as to costs, § 12:7

Special provisions, § 12:18

Taxation of costs, § 12:28 to 12:37

at instance of party entitled,
§ 12:32

at instance of party liable,
§ 12:33

certificate of costs, § 12:36

disbursements, § 12:34

general, § 12:28

review of taxation, § 12:37

Vexatious proceedings, § 12:26

TAXIS

Car rentals, § 2:188

Charges for, § 2:187

TELEPHONE

Charges for, § 2:189

THIRD PARTY CLAIM

Discontinuance of action, effect on,
§ 2:124

Dismissal, effect on, § 2:118

THIRD PARTY PROCEEDINGS

Generally, § 2:61

Costs in, form for, APPA § A:21

Costs on motion for directions,
form for, APPA § A:14

Federal Court, § 11:31 to 11:49

Motion for directions, form for,
APPA § A:14

Security for costs, § 5:54

TRADE MARK ACTIONS

Generally, § 11:53

**TRANSCRIPTS OF
PROCEEDINGS**

Generally, § 2:163

TRAVEL CHARGES

Party and party costs, § 2:190

Solicitor-and-client costs, § 3:80

TRIALS

Number of days

2 days, § 2:226

3 days, § 2:228

4 days, § 2:230

5 days, § 2:231

6 days, § 2:232

8 days, § 2:233

10 days, § 2:234

11 days, § 2:235

11/2 days, § 2:225

13 days, § 2:236

21/2 days, § 2:227

31/2 days, § 2:229

TRUSTEES

Generally, § 2:80, § 2:143

UNNECESSARY PROCEEDINGS

Generally, § 2:129

**UNSUCCESSFUL PARTY NOT
LIABLE FOR COSTS**

Generally, § 2:40

**VARYING JUDGMENT AS TO
COSTS**

Generally, § 2:269

VEXATIOUS LITIGANT

Security for costs, § 5:27

Substantial indemnity costs, § 2:132

**VICTIM'S BILL OF RIGHTS
(ONTARIO)**

Generally, § 2:289

Security for costs, § 5:31

VIDEOTAPE USED AT TRIAL

Generally, § 2:174

LAW OF COSTS

WARDSHIP PROCEEDINGS

Generally, § 2:64

WILL

Motion for construction of, costs on
form for, **APP A § A:23**

WITNESSES

Affidavit of disbursements, § 7:11

Expert witness, § 2:162

Expert witness fees, § 2:163

WITNESSES—Cont'd

Lay witness, § 2:165

Party as witness, § 7:14

Preparation of, § 7:13

Solicitor as witness, § 7:15

WORD PROCESSING

Generally, § 2:202

WRONG COURT, ACTION

BROUGHT IN

Generally, § 2:85 to § 2:87