



COURT OF APPEAL

**British Columbia Court of Appeal
Practice Directive (Civil)
Title: Costs**

Issued: 30 May 2013

Effective: Immediately

Cite as: *Costs (Civil Practice Directive, 30 May 2013)*

The purpose of this practice directive is to explain the Court of Appeal's practice and the parties' responsibilities with respect to awards of costs. An award of costs in the Court of Appeal is governed by s. 23 of the *Court of Appeal Act* which reads:

Costs

23 Unless the court or a justice otherwise orders, the party who is successful on an appeal is entitled to costs of the appeal including the costs of all applications made in the appeal.

The Court of Appeal does not usually refer to costs in reasons for judgment. Section 23 of the *Act* presumes that a successful party is entitled to costs. When preparing a court order arising from an appeal, the successful party must insert a term for costs in the final order. Court forms provided in the *Court of Appeal Rules* all contain a direction for costs.

If the parties cannot agree on costs, any party may send a letter to the Registrar with copies to all parties, indicating the desire to address the question of costs and briefly summarising the dispute. The parties may set out a proposed schedule for submissions in the letter or the Registrar will arrange a timetable for those submissions.

When the issue of costs is raised at the hearing before the Registrar to settle the order, the Registrar may settle the dispute by reference to s. 23 of the *Act* or may refer the issue to the division which heard the appeal. The Registrar will not assess a bill of costs in the absence of a costs term included in the order. If a party has mistakenly entered an order without a direction for costs, it is permissible to apply pursuant to the slip rule (r. 50) to amend the order and provide for costs.

Counsel are reminded of the particular provisions for costs in s. 37 of the *Class Proceedings Act*.

The Honourable Chief Justice Finch
for the Court of Appeal of British Columbia

History: This is a new Practice Directive