



COURT OF KING'S BENCH FOR
SASKATCHEWAN

April 19, 2023

Jana M. Linner, K.C., President
Canadian Bar Association, Saskatchewan Branch
1500 Hill Centre, 1874 Scarth Street
Regina SK S4P 4E9

Dear Members of the Canadian Bar Association:

RE: Tariff of Costs

The Court of King's Bench for Saskatchewan last revised the Tariff of Costs in 2015 after the new *Rules of Court* came into effect on July 1, 2013. Since that time, no adjustments have been made to the Tariff of Costs to account for inflation or increased costs. Chief Justice Popescul has therefore established a King's Bench Tariff Committee comprised of myself, Justice Crooks, Justice Kilback and Stephanie Ens, the Executive Legal Officer for the Court of King's Bench.

The purpose of the Committee is to determine whether adjustments to any of the tariff amounts are necessary or desirable in order to continue to provide an appropriate level of indemnification to litigants. The Committee is reviewing the following Schedules:

- Schedule 1B – Fees Payable to Lawyers in the Court of King's Bench – General and Fees Payable to Lawyers in the Court of King's Bench – Family Law Division
- Schedule 1D – Fees Payable to Lawyers in the Court of King's Bench in Small Claims and Rentalsman Appeals

To assist with the review, the Tariff Committee is inviting members of the Canadian Bar Association, Saskatchewan Branch, to provide comments and feedback on whether adjustments are required to any of the amounts stipulated in the above noted Schedules.

When providing any comments or feedback, the Tariff Committee requests that the underlying purposes of costs awards be considered. The purposes of costs awards include (1) to indemnify the successful party; (2) to encourage settlement; (3) to prevent frivolous or vexatious litigation; (4) to sanction behaviour that increases the duration and expense of litigation; (5) to ensure the justice system works fairly and efficiently; and (6) to

promote access to justice.¹ It is a generally accepted principle that costs awards should not fully indemnify the successful party. However, the appropriate level of indemnification remains a matter of debate.

The Tariff Committee would greatly appreciate if you could distribute this invitation to the members of the Canadian Bar Association, Saskatchewan Branch. We would request that members direct any comments or questions to the attention of Stephanie Ens by email at sens@skkb.ca. The Committee would appreciate receipt of any comments by Friday, June 16, 2023 at 5:00 PM.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Layh", written in a cursive style.

Justice D.H. Layh

¹ *Cannon v Saskatchewan (Court of Queen's Bench)*, 2021 SKCA 77 at para 106, citing *British Columbia (Minister of Forests) v Okanagan Indian Band*, 2003 SCC 71, [2003] 3 SCR 371.