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## Provincial Court Civil Practice

**Calgary, Alberta**

**Edmonton, Alberta**

### Chair

**Assistant Chief Judge G.W. Sharek**

Provincial Court of Alberta

Edmonton, AB

### Faculty

**Hon. Judge S. Corbett**

Provincial Court of Alberta

Edmonton, Alberta

**Hon. Judge D. Higa**

Provincial Court of Alberta

Calgary, Alberta

**Hon. Judge J.L. Skitsko**

Provincial Court of Alberta

Edmonton, AB

**Marilyn Clisdell**

Provincial Court of Alberta

Calgary, Alberta

**Edson Cruz**

Provincial Court of Alberta

Edmonton, Alberta

**Brad Kring**

Justice and Solicitor General

Edmonton, Alberta

**Hon. Judge L.D. Young**

Provincial Court of Alberta

Edmonton, Alberta

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# Costs in the Provincial Court of Alberta

Prepared by:

**Hon. Judge S.L. Corbett**  
**Provincial Court of Alberta**



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This paper will address general principles regarding recoverable costs in litigation, the 2019 Provincial Court Tariff of Recoverable Costs and Part 11, Sections 38 and 39 of the 2019 *Provincial Court Civil Procedure Regulation*.<sup>1</sup> Three recent published decisions of the Provincial Court have analyzed costs since January 1, 2019, as follows:

- *Viet Tran Professional Corporation v Premiere Airport Facilities Inc.*,<sup>2</sup>
- *Lui v ABC Benefits Corporation*,<sup>3</sup> and
- *Bilous v Tkachuk*.<sup>4</sup>

## **TYPES OF COSTS AWARDED**

There are generally four types of costs awarded:<sup>5</sup>

- Party and party costs which generally compensate the successful party for a portion of incurred legal fees,
- Lump sum costs,
- Solicitor-client costs which provide full indemnity for all legal fees and disbursements reasonably incurred to the party to whom they are awarded, and
- Solicitor and own client costs which allow a solicitor to recover “frills or extras” authorized by the client which the client should reasonably pay its own solicitor, but that should not be passed on to third parties.

## **PARTY AND PARTY COSTS IN THE PROVINCIAL COURT**

### **Appropriate Measure of Party and Party Costs**

Party and party costs in the Court of Queen’s Bench and the Court of Appeal are generally determined in accordance with the tariff in Schedule C of the Alberta *Rules of Court*.<sup>6</sup>

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<sup>1</sup> AR 176/2018.

<sup>2</sup> 2019 ABPC 228.

<sup>3</sup> 2019 ABPC 246.

<sup>4</sup> 2019 ABPC 277.

<sup>5</sup> *Secure 2013 Group Inc. v Tiger Calcium Services Inc.*, 2018 ABCA 110 at para. 12.

<sup>6</sup> *Secure 2013 Group Inc. v Tiger Calcium Services Inc.*, 2018 ABCA 110, at para. 12.