

Court of King's Bench of Alberta



Citation: Schafer v Schafer, 2023 ABKB

Date:20230921
Docket: 2201 11772
Registry: Calgary

Between:

Glen Andrew Schafer

Applicant

- and -

Gail Colleen Schafer

Respondent

**Endorsement on Costs
of the
Honourable Justice N.E. Devlin**

[1] The applicant father sought leave to appeal family arbitration award. In reasons reported at 2023 ABKB 448, I dismissed his application. The materials were voluminous, but the matter was argued within the confines of a half-day special chambers motion.

[2] The respondent mother has sought costs in the amount of \$60,785. The father takes the position that party and party costs in the amount of \$3,375 are appropriate. The parties provided written submissions on costs, as directed.

[3] This application is governed by the ordinary principle that a successful party is entitled to costs, tempered by the limitation that costs are intended as an indemnity for actual legal fees incurred, and will be awarded sparingly, if at all, to self-represented litigants: *Terrigno v Butzner*, 2021 ABCA 125.

[4] Notwithstanding that the mother has not factually substantiated her actual costs sustained through self-representation, the father submits that costs under Column 1 are appropriate, relying on *Ting v Ting*, 2023 ABCA 9. I agree. The matter was conducted properly and efficiently. While I would likely have awarded costs on a higher scale given the scope and breath of grounds advanced if counsel had been retained to respond, the results of applying Column 1 provide a proportionate award in all the circumstances.

[5] Items 1 and 8 (commencement documents and pleadings and an application requiring written briefs) are applicable, resulting in costs payable by the father to the mother in the amount of \$3,375.

Dated at the City of Calgary, Alberta this 21st day of September, 2023.



N.E. Devlin
J.C.K.B.A.

Appearances:

Lisa Handfield
for the Applicants

Gail Schafer
for the Self-Represented Litigant