IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *0928234 B.C. Ltd. v. Starmark Properties Corp.,* 2024 BCSC 1898

Date: 20241007
Docket: S213035
Registry: Vancouver

Between:

0928234 B.C. Ltd. and Ali Ibrahim

Plaintiffs

And

Starmark Properties Corp., 0930825 B.C. Ltd., Maryam Pour-Nasrollah, Shima Hashemi aka Shima Golfeshan, Parham Golfeshan, Shadi Hashemi and Ali Ashgar Hashemi

Defendants

Before: The Honourable Justice A. Ross

Oral Reasons for Judgment

The Plaintiff Ali Ibrahim, appearing in person and as representative for 0928234 B.C. Ltd.:	A. Ibrahim
Counsel for the Defendants Starmark Properties Corp.,0930825 B.C. Ltd., Maryam Pour-Nasrollah, Shima Hashemi aka Shima Golfeshan, Parham Golfeshan, and Shadi Hashemi:	L. Rogers L. Casburn
Place and Date of Trial/Hearing:	Vancouver, B.C. October 7, 2024
Place and Date of Judgment:	Vancouver, B.C. October 7, 2024

[1] **THE COURT:** I am providing these reasons orally for the purpose of efficiency and quickness. Should either party request a copy of my reasons, I reserve the right to edit them for grammar and syntax. The result will not change.

[2] The plaintiff brings application today seeking 10 separate paragraphs of relief, plus costs. Because of time constraints, we only proceeded with item 1 on the notice of application, that being the plaintiff's request for a review of the costs order made by the registrar on August 26, 2024. That costs assessment was made by Associate Judge Harper, acting as registrar. She approved the bill of costs in the amount of approximately $7,042. The plaintiff seeks a review of that order.

[3] By way of background, I refer the reader to the ruling of Justice Coval dated May 19, 2024, wherein Justice Coval dismissed the plaintiff's claim against the two respondents to this application. Justice Coval awarded double costs for any step taken after April 4, 2024. These defendants presented the bill of costs which was assessed by Associate Judge Harper. Associate Judge Harper then approved that exact amount.

[4] The plaintiff's arguments before me were threefold:

a) First, the registrar improperly exercised her discretion by allowing the hearing to proceed. He notes that he had other hearings and health problems that interfered with his ability to properly present his case.

b) Second, he argues that the amounts claimed were exorbitant or exceedingly high.

c) And third, he claims that certain items were "doubled" despite the work on those items in the bill of costs being performed before April 4, 2024.

[5] Although I described it as three areas, the plaintiff also complains about certain of the disbursements claimed on the bill of costs.

[6] As to the standard of review, I was referred to the decision of Justice MacKenzie in *Ocean Rodeo Sports Inc. v. Oyen*, 2019 BCSC 1393, in which Justice MacKenzie wrote at paras. 9–10:

> [9] The standard of review applicable to a review of an assessment of costs by a registrar under Rule 14-1(29) of the Supreme Court Civil Rules is not in dispute. A court will not interfere with a registrar's decision involving the exercise of discretion unless the registrar has made an error in principle or was clearly wrong as to findings of fact: ...
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> [10] The standard of review on questions of principle is correctness (*Housen v. Nikolaisen*, 2002 SCC 33 at para. 8..., while the "clearly wrong" standard that applies to findings of fact is synonymous with the standard of palpable and overriding error... Determining "what constitutes reasonable costs is a question of fact", and registrars are entitled to deference on review due to their expertise and the discretionary, fact-specific nature of costs assessment: ...

[7] I have considered all of the plaintiff's submissions.

[8] I see no error in the exercise of Associate Judge Harper's discretion to proceed with the hearing, nor with her acceptance of any of the evidence at the hearing.

[9] I see no evidence that the amounts claimed were either exorbitant or exceedingly high. For example, I note that under item 2, the defendants claimed 10 units. They are entitled to claim up to a maximum of 30 units. The claim of 10 units is clearly not exorbitant.

[10] Counsel for the defendants only claimed double units totalling 19 units, 15 of those units related to either preparing for, or at the, hearing themselves. I find no error of law or principle in the acceptance of those 19 doubled units.

[11] With respect to the disbursements that were questioned by the plaintiff, they constituted the defence counsel's ordering of the clerk's notes regarding the orders that were made. It was apparent to me that there have been considerable problems experienced by the defendants in getting the plaintiff to accept the rulings that were made and as a result I accept that ordering the clerk's notes was appropriate and reasonable in the circumstances.

[12] On that basis, I dismiss the plaintiff's application for review of the bill of costs. I note that we have not had time to deal with the other nine paragraphs of relief sought by the plaintiff, nor have we had any time at all to deal with the defence application, which I understand seeks orders for contempt.

[13] I will hand that binder back to counsel.

[14] As to the costs of today's hearing, my attention was brought to Rule 14-1(37) of the *Supreme Court Civil Rules*, which allows a judge to make a summary order of costs in the amount of a maximum of $1,000.

[15] I make that order in this case. In making that order, I note that in the three and a half hours that the parties were before me today, Mr. Ibrahim was on his feet and speaking for approximately three hours and 15 minutes. Mr. Rogers, quite appropriately, for approximately 10 minutes needed to explain the truth of the situation and the actual orders that had been made. His substantive submissions on the review application took five minutes.

[16] On that basis, I think an order of $1,000 against Mr. Ibrahim is extremely reasonable.

"A. Ross J."