

HARRIS V. BRITISH COLUMBIA (WORKERS' COMPENSATION APPEAL TRIBUNAL)

Decision Summary

Court	B.C. Supreme Court
Citation	2005 BCSC 359
Result	Costs Awarded to Respondents Other than WCAT
Judge	Madam Justice Boyd
Date of Judgment	March 15, 2005
WCAT Decision(s) Reviewed	WCAT 2004-01785

Keywords:

Judicial review – Costs – Supreme Court Rule 37

The Court addressed the issue of costs arising from the dismissal of a judicial review petition of a decision by the Workers' Compensation Appeal Tribunal (WCAT).

In *Harris v. Workers' Compensation Appeal Tribunal*, 2004 BCSC 1618, the Court dismissed the Petitioner's application for judicial review. The respondents other than the Workers' Compensation Appeal Tribunal (WCAT) sought costs of the proceedings based on their delivery of a Calderbank letter.

Rule 37A of the *Supreme Court Rules* gives the Court discretion to award ordinary costs and not double costs depending on the circumstances of each particular case. WCAT did not participate in an offer to settle, barring the other respondents from advancing an offer under Rule 37. The Court had the discretion under Rule 37A to make an award as if Rule 37 applied. The Court exercised its discretion and awarded ordinary costs of the proceedings to the respondents other than WCAT.