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ASSESSOR OF AREA 01 – CAPITAL

v.

**RALPH E. BODINE
LINDA S. BODINE**

SUPREME COURT OF BRITISH COLUMBIA (06-0045) Victoria Registry

Before the HONOURABLE MADAM JUSTICE DORGAN (in chambers)

Date and Place of Hearing: September 6, 2006, Victoria, BC

G. McDannold for the Appellant

L. Armstrong for the Respondents

Reasons for Judgment (Oral)

September 6, 2006

[1] THE COURT: This is the Assessor's appeal by way of Stated Case of the Property Assessment Appeal Board's decision in respect of property owned by the Bodines. In the result, the appeal was allowed. This court found that the Property Assessment Appeal Board had erred.

[2] The matter of costs is now before this court. While I agree that property owners ought not to be discouraged from using the process in respect of their assessments, I do not accede to the argument that an order for costs in a Stated Case such as it is here, a successful appeal, would discourage owners from participating in the process.

[3] In my view, there is nothing to take this case out of the ordinary application of the court's discretion on the question of costs. The appeal was successful. Costs follow the event.

[4] MR. McDANNOLD: Thank you.

[5] MR. ARMSTRONG: Thank you, My Lady.

[6] THE COURT: Thank you for your submissions. On the basis of Mr. Armstrong's lack of instructions as to the amount, I decline to quantify the costs.

[7] MR. McDANNOLD: Yes. Thank you, My Lady.