

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Gold Recruitment Services Incorporated v. QDS Holdings Incorporated*,  
2025 NSSC 26

**Date:** 20250122

**Docket:** *Hfx* No. 523539

**Registry:** Halifax

**Between:**

Gold Recruitment Services Inc.

*Plaintiff*

v.

QDS Holdings Inc.

*Defendant*

**Decision on Costs**

**Judge:**

The Honourable Justice Peter P. Rosinski

**Heard:**

November 4, 2024, in Halifax, Nova Scotia

**Final Written  
Submissions:**

December 4, 19, 2024 from the Plaintiff  
December 17, 2024 from the Defendant

**Counsel:**

Laura Neilan for the Plaintiff  
Serge Racine and George Cohen, as agents for the self  
represented Defendant

**By the Court:**

[1] This decision addresses the issues of party and party costs, prejudgment interest, and disbursements that ought to be ordered as against QDS in favour of Gold.

[2] **Gold** was successful in its lawsuit against QDS - 2024 NSSC 354.

[3] Gold's basic position is that "pre-judgment interest", \$7,479.17 (based on the \$89,750 invoices amounts), should be included in "the amount involved". Therefore, \$7,479.17 plus \$89,750 plus \$30,000 in punitive damages which equals **\$127,229.17** for purposes of calculating party and party costs as assessed pursuant to Tariff A in the Nova Scotia *Civil Procedure Rules*.

[4] Together these amounts, lead to a Tariff A, Scale 2 Basic costs amount of \$16,750, plus per the Tariff \$2,000 for one day of trial, which equals \$18,750 in total.

[5] Gold also argues that, as a result of reasonable settlement offers it made before the trial which were not accepted by QDS, the \$16,750 should be increased by 50% or \$8,375.

[6] Gold says its costs are therefore at least \$25,125 plus \$2,000 for one day of trial or \$27,125. It suggests a rounded up \$30,000 amount is appropriate for its "costs".

[7] Gold also claims "costs in the cause" as agreed to be paid by QDS's counsel in relation to Gold's motion to amend its pleadings, which QDS agreed to at a late point in time (see Virginia Maidment's affidavit at paras. 8-17).

[8] Prejudgment interest is \$7,479.17, and disbursements are \$1,706.85.

[9] In total, Gold claims as costs: \$30,000 plus \$7,479.17 plus \$1,706.85 which equals **\$39,186.02**, and costs in the cause on the amended motion.

[10] **QDS** does not dispute \$1,706.85 disbursements, or the application of the 5% prejudgment interest rate; however, they do challenge Gold's position that:

1. prejudgment interest should be included in the “amount involved”; [I agree with Gold, in the circumstances of this case – *MacVicar Estate v. MacDonald*, 2019 NSCA 90].
2. The Scale 2 amount of \$16,750 is appropriate, which Gold notionally based on a total “amount involved” of \$127,229.17. [I conclude that, for purposes of party and party cost calculations, punitive damages should not be included, and therefore the proper starting amount here is  $\$89,750 + \$7,479.17 = \$97,229.17$  – therefore the appropriate Scale 2 Basic amount is \$12,250].
3. Gold’s settlement offers ought not to cause an increase to the Basic \$12,250 costs award. [I conclude that the basic \$12,250 amount should be increased by \$6,000 given the unreasonable offer made by QDS on August 30, 2024 – \$19,000; and reasonable offers made by Gold on August 30, 2024 – (\$89,750 plus \$5,000 legal fees equals \$94,750); and by Gold on September 3, 2024 – \$101,765.88. Therefore, the costs award is \$18,250.]
4. Gold’s increasing the \$27,125 to \$30,000. [I see no reason in principle to depart from true amount.]

### **Conclusion**

[11] I order that the amount owing by QDS to Gold for party and party costs, prejudgment interest and disbursements is \$29,936.56 [\$18,250 plus \$2,000 for one day of trial, \$7,479.71 prejudgment interest, \$1,706.85 disbursements and \$500 costs in the cause for the motion to amend pleadings].

Rosinski, J.