

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Grewal v. Salanga*,  
2025 BCSC 417

Date: 20250311  
Docket: S158429  
Registry: New Westminster

Between:

**Avtar Singh Grewal and Jagdev Grewal**

Plaintiffs

And

**Johnson Castaneto Salanga and  
Real Estate Compensation Fund Corporation**

Defendants

Before: The Honourable Mr. Justice Milman

## **Reasons for Judgment Re Costs**

Counsel for the Plaintiffs:

A. Dhinsa

Counsel for the Defendant, Real Estate  
Compensation Fund Corporation:

K. Smiley

Place and Dates of Written Submissions  
Received:

New Westminster, B.C.  
January 28 and February 7, 2025

Place and Date of Judgment:

New Westminster, B.C.  
March 11, 2025

## I. Introduction

[1] On January 8, 2025, I released my reasons for judgment, now indexed as 2025 BCSC 28, granting, by way of summary trial, judgment to the plaintiffs in the form of a declaration that they suffered a “compensable loss” for the purpose of s. 65 of the *Real Estate Services Act*, S.B.C. 2004, c.42. The application was opposed by one of the defendants, the Real Estate Compensation Fund Corporation (“RECFC”).

[2] My order was silent on the issue of costs but I gave the parties leave to deliver supplemental written submissions on that issue. They have now done so. The following is my decision on costs.

## II. The Parties’ Positions on Costs

[3] The plaintiffs argue that the ordinary costs rule applies. As the successful party, they say, they ought to receive their costs (presumably of the action as a whole, although this is not clearly stated) – see Rule 14-1(9) of the *Supreme Court Civil Rules*, and *Briante v. Vancouver Island Health Authority*, 2017 BCCA 148.

[4] RECFC responds that the parties should bear their own costs, but if an award of costs is to be made, it should be restricted to the costs of the summary trial application alone, rather than the entire action, which was originally commenced against a different defendant alone.

[5] The parties agree that if costs are awarded, they should be assessed at Scale B.

## III. Discussion

[6] I agree with RECFC that the plaintiffs’ submission on costs fails to account for the regulatory context of the proceeding, as it relates to RECFC.

[7] The plaintiffs could only obtain the declaration they needed with a finding of the court “on evidence”, in a proceeding in which RECFC was entitled to be added as a party. That relief would not have been available by default or by way of a consent order. Therefore, no step or position taken by RECFC served to add to the

cost of the litigation or the steps that the plaintiffs were required to take. RECFC did not oppose the plaintiffs' request for a summary disposition.

[8] Further, I agree with RECFC that it was not the original decision-maker under the statute and therefore should not have to bear the responsibility in costs for the consequences of that decision. The considerable delay in prosecuting this action since the administrative process ended has not been shown to be attributable to RECFC.

[9] Although RECFC opposed the application, both procedurally and on the merits, it played a helpful role at the hearing in presenting the factual background and regulatory framework. The arguments it made, although unsuccessful, were not devoid of merit and their weaknesses openly acknowledged. I agree that its role was, in the circumstances, akin to that of a public interest litigant.

[10] In view of those considerations, I have concluded that the appropriate order is for the parties to bear their own costs.

“Milman J.”