

Court of King's Bench of Alberta

Citation: B.E.L. Holdings Inc v CDE Engineering Ltd, 2025 ABKB 21

Date: 20250114
Docket: 2301 02477
Registry: Calgary

Between:

CDE Engineering Ltd, Leading EPCM Inc, AJ EPCM.

Applicants

- and -

B.E.L. Holdings Ltd.

Respondents

**Endorsement (Costs)
of the
Honourable Justice M.H. Hollins**

[1] By Reasons for Decision issued May 23, 2024 (2024 ABKB 285), I granted an application to disqualify a law firm from acting for Bluestar Engineering Ltd and BEL Holdings Ltd (the BEL Parties). The application was brought by CDE Engineering Ltd, a competing company formed by previous BEL personnel, along with a number of involved individuals (the CDE Parties). These parties are engaged in two different lawsuits against each other.

[2] The CDE Parties, who were successful in the applications (the applications sought the same relief but were brought in two actions), are claiming costs of \$41,675.82, representing taxable costs under Schedule "C" to the Rules of Court, calculated on 3 times Column 5 of that tariff. The rationale for the 3x multiplier is the complexity of the application (multiple affidavits,

cross-examination and an interim application compelling discovery, the amount at issue (\$17M) and allegations conduct by the BEL Parties that unnecessarily delayed the proceedings.

[3] BEL argues that costs should be payable on single Column 5, calculated as \$9,950.82. The BEL parties make the point that this was not a trial, nor an application on a substantive issue regarding liability. Although the applications were brought in two separate actions, the relief sought and the basis for that relief were the same in each. They deny any litigation misconduct which delayed the proceeding.

[4] First, although I am not bound to apply Schedule “C” to this matter, given that both parties employed it and that both parties argued for or accepted some multiplier to the amounts set out therein, I am prepared to calculate the appropriate award of costs under that Schedule.

[5] I find no conduct on the part of BEL or its then counsel which would attract additional costs. However, BEL contested the allegations of conflict on an unmeritorious basis. Further, it did so in two actions, knowing that double costs could be the result.

[6] Given the amount by which this claim exceeds the Column 5 threshold, the volume of documents (which included many affidavits, transcripts and lengthy briefs) and the preparation for comprehensive oral arguments, I find that an appropriate award is calculated on double Schedule “C”, Column 5 in both Actions.

[7] Looking at the draft Bills of Costs from both parties, I note that item 1(1) is not properly included in an interim application and should be removed. However, the CDE parties are entitled to include costs for line item 8(1).

M.H. Hollins
J.C.K.B.A.

Appearances:

M. Cashion
for the CDE Parties

Todd Wytrychowski
for the BEL Parties