



SURFACE RIGHTS BOARD INFORMATION SHEET #8

COSTS

Costs of a Party

The Board has the discretion to order a party to pay part of the costs of another party.

In right of entry and compensation cases, the landowner will usually be entitled to payment of their costs associated with the mediation from the resource company making the application. If a case is not resolved at the mediation stage and proceeds to arbitration, the Board will exercise its discretion as to whether costs are payable

In deciding whether to order costs, the Board will consider a number of factors including:

- the reasons for incurring costs;
the contribution of counsel and experts;
the conduct of a party in the proceeding;
whether a party has unreasonably delayed or lengthened a proceeding;
the degree of success in the outcome of a proceeding; and
- the reasonableness of any costs incurred.

The Board may order costs on its own initiative or on the application of a party. The Board may make an order for the payment of a party's costs at any stage of a proceeding.

The landowner may apply to the Board to award costs in advance of a proceeding based on an estimate of what costs and expenses may be incurred.

Costs of the Board

The Board may order a party to pay to the Board part of the actual costs and expenses incurred by the Board if it considers that the conduct of the party has been improper, vexatious, frivolous or abusive. The Board has a Tariff of Board Costs that sets out the estimated cost to the Board of various activities.

Order for Costs may be filed in Court

An order for the payment of party or Board costs may be filed in the Supreme Court registry. When an order is filed in the court registry it has the same effect as an order of the court for the recovery of a debt and may be enforced as a court order.

For questions or other Information Sheets, please contact us or see our web site at:

SURFACE RIGHTS BOARD

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Application Forms and Information Sheets are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC