

In the matter of: The Human Rights Act, R.S.N.S. 1989, c. 214, as amended 1991, c. 12

BETWEEN: KIRK JOHNSON

- Complainant -

and

MICHAEL SANFORD

- Respondent -

HALIFAX REGIONAL POLICE SERVICE

- Respondent -

and

THE NOVA SCOTIA HUMAN RIGHTS COMMISSION

**ADDENDUM TO DECISION**

BEFORE: Philip Girard  
Board of Inquiry

DATE OF DECISION: 28 May 2004

DATE OF ADDENDUM 11 June 2004

COUNSEL: Victor Goldberg  
for Kirk Johnson

Michael Moreash  
for the Halifax Regional Police Service and Michael Sanford

After my decision on costs in this matter was released, Mr. Goldberg requested a clarification on two matters. One related to whether disbursements, as distinct from counsel fees, were to be reimbursed at 100% or 66.6%. The second related to whether preparation time for the hearing on 19 April, not shown on his draft bill submitted at the hearing, could be included in the account submitted for taxation. A conference call was held on 11 June to discuss these matters.

Mr. Moreash opposed the request for clarification on both points, arguing that the decision was clear on both and that I had no jurisdiction to go beyond what was said in it. Commission counsel advised that no submissions would be made by the Commission on these points.

I agree with Mr. Moreash as to the second point. The taxing master will have to determine the reimbursement of disbursements in accordance with normal practice, in light of my decision and any applicable provisions of the Civil Procedure Rules.

On the first point, my decision stated, “Mr. Goldberg is allowed to add to his bill as submitted at the hearing a reasonable amount for his appearance at the hearing on 19 April.” His bill as submitted at the hearing included preparation for his appearance at the hearing up to and including 2 April, but in his request for clarification Mr. Goldberg indicated that more preparation time was spent between 2 April and the hearing on the 19<sup>th</sup>. I rule that he may include such amounts in the bill submitted for taxation. I do not think the reference to “his bill as submitted at the hearing” should be interpreted in a totally literal way. If Mr. Goldberg were to have found that he had omitted some items from that bill inadvertently, I do not think he would be precluded from adding them to his account before taxation. Similarly, it is unreasonable to expect that his draft bill as submitted at the hearing would show every hour of preparation down to the actual hearing itself. Clearly there has to be a little room for adjustment after the fact. In light of his total bill, *de minimis non curat lex*.

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Philip Girard  
Board of Inquiry