



## SURFACE RIGHTS BOARD INFORMATION SHEET #8

# COSTS

### Costs of a Party

The Board has the discretion to order a party to pay all or part of the costs of another party. Costs are the expenses incurred, and the value of time spent specifically related to the making of an application and the process before the Board. Costs of an application are distinguishable from damages or loss caused by a right of entry.

In right of entry and compensation cases, the landowner will usually be entitled to payment of their costs associated with the Board's mediation process 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.

An application for costs must be in writing and must include:

1. reasons to support the request;
2. a detailed description of the costs sought; and
3. copies of any invoices or receipts for disbursements.

In deciding whether to order costs, the Board may consider:

- the reasons for incurring costs;
- the contribution of counsel and experts retained;
- 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;
- the reasonableness of any costs incurred;
- any without prejudice offer to settle properly made and disclosed to the Board in accordance with Rule 3.5 of the Board's Rules of Practice and Procedure; and
- any other factor the Board considers relevant.

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. A party seeking advance costs must be able to demonstrate that they would be unable to proceed with an application to the Board without receiving costs in advance.

### 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	