

CITATION: Sioux Lookout (Municipality) v. Canada (Attorney General), 2011 ONCA 93
DATE: 20110203
DOCKET: C52094

COURT OF APPEAL FOR ONTARIO

Sharpe, Blair and Rouleau JJ.A.

The Corporation of the Municipality of Sioux Lookout

Applicant
(Appellant in Appeal)

and

The Attorney General for Canada, on behalf of Her Majesty the Queen
in Right of Canada, Her Majesty the Queen in Right of Ontario, Her Majesty
the Queen in Right of the Province of Ontario, represented by the Minister of
Transportation for the Province of Ontario, Her Majesty the Queen in Right
of Ontario, as represented by the Attorney General, Her Majesty the Queen
in Right of Ontario, as represented by the Minister of Natural Resources,
Lac Seul First Nation and Northern Nishnawbe Education Council

Respondents
(Respondents in Appeal)

Allan D. McKittrick, for the Corporation of the Municipality of Sioux Lookout

Peter H. Griffin and Danalyn J. MacKinnon, for Northern Nishnawbe Education Council

William Major, for Lac Seul First Nation

Walter Myrka and Judie Im, for Her Majesty the Queen in Right of Ontario

Joseph Langan, for the Attorney General of Canada

Heard: October 21, 2010

On appeal from the judgment of Justice H.M. Pierce of the Superior Court of Justice
dated April 14, 2010, with reasons reported at 71 M.P.L.R. (4th) 242.

ENDORSEMENT RE COSTS

[1] We have now received and considered the parties written submissions as to costs.

[2] We agree that the appellant municipality is entitled to costs of the proceedings before the application judge and before this court on a party and party basis. We also accept the submission that apart from the costs of the stay motion, Ontario should have to bear the costs of the application and appeal, a submission not resisted by Ontario.

[3] We fix the costs as follows, all figures inclusive of disbursements and applicable taxes:

- Costs of the application - \$50,000 payable by Ontario
- Costs of the stay motion - \$6,000 payable by LFSN and NNEC
- Costs of the factum motion - \$2,000 payable by Ontario
- Costs of the appeal - \$35,000 payable by Ontario
- No costs for or against Canada.

“Robert J. Sharpe J.A.”

“R.A. Blair J.A.”

“Paul Rouleau J.A.”