

Spookw v. Gitxsan Treaty Society, 2017 BCCA 225, British Columbia Court Of Appeal (Harris, Goepel And Savage JJ.A.), 9 June 2017

June 21, 2017

The B.C. Court of Appeal ordered that the unsuccessful appellants in this proceeding pay costs to the respondent Gitxsan Treaty Society. In January 2017, the Court of Appeal had dismissed an appeal brought by the appellants on the basis that they did not have standing: 2017 BCCA 16 [summarized in our e-Newsletter of 2 March 2017]. The appellants submitted that each party should bear its own costs, or that costs be fixed at \$5,000, on the basis that they should be treated as "public interest litigants". The Court of Appeal rejected this submission:

... we can see no reason to justify departing from the usual principles with respect to costs. While issues of general importance were in play in the litigation as a whole, the critical issues before us had to do with standing in the context of seeking oppression-related and winding-up remedies under the Societies Act, S.B.C. 2015, c. 18.

The Court ordered that the Gitxsan Treaty Society is entitled to its costs of the appeal.

<http://courts.gov.bc.ca/jdb-txt/ca/17/02/2017BCCA0225.htm>

By

[Scott Kerwin](#)

Expertise

[Indigenous Law](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.