

SUPREME COURT OF NOVA SCOTIA

Citation: *Luan v. Nova Scotia College of Nursing*, 2026 NSSC 229

Date: 20260715

Docket: Hfx, No. 547125

Registry: Halifax

Between:

Xiaohong “June” Luan

Applicant

v.

Nova Scotia College of Nursing

Respondent

COSTS DECISION

Judge: The Honourable Justice Mona Lynch

Heard: May 21, 2026, in Halifax, Nova Scotia

Final Written Submissions: June 17, 2026

Counsel: Xiaohong “June” Luan, Self Represented
Ryan Baxter and Raylene Langor, for the Respondent

By the Court:**Background:**

[1] On the motion of the respondent, Nova Scotia College of Nursing (NSCN), Ms. Luan's application for judicial review was dismissed in a decision dated June 8, 2026 (2026 NSSC 177). The NSCN seeks costs in the amount of \$1,000 pursuant to Tariff C of the *Civil Procedure Rules*.

[2] There were two motions heard on May 21, 2026, the motion to dismiss the application for judicial review and the motion to strike a small paragraph of Ms. Luan's affidavit. The NSCN was successful on the motion to dismiss but unsuccessful on the motion to strike the paragraph of Ms. Luan's affidavit. The two motions were heard in just over a half day.

Issue:

What is the appropriate amount of costs in this matter?

Analysis:

[3] Costs are within the discretion of the court, and the general discretion of the court is set out in *Civil Procedure Rule* 77.02(1) as: "A presiding judge may, at any time, make any order about costs as the judge is satisfied will do justice between the parties".

[4] The tariffs are the norm and there must be a reason to consider a lump sum (*Armoyan v. Armoyan*, 2013 NSCA 136, para.15). I do not find anything in this case that would take it outside the tariffs.

[5] As the successful party on the main motion, the NSCN is entitled to costs. However, I must bear in mind that the NSCN was not successful on the motion to strike a portion of Ms. Luan's affidavit. On the motion to strike, Ms. Luan was the successful party. While she has not requested costs on the motion to strike, that motion must still be considered in the calculation of costs on the motion to dismiss the application for judicial review. The motion to strike was heard prior to the motion to dismiss and extensive filings were submitted by the NSCN in relation to the motion to strike.

[6] The NSCN is seeking costs of \$1,000 based on Tariff C on the basis that the motion lasted more than a half day but less than one day.

[7] In her submissions on costs, Ms. Luan raised the unsuccessful motion to strike, and she asked the court to consider other issues. Ms. Luan raised the issue that the NSCN did not file the record as required under the Rules. As stated in the decision on the merits, the record was not filed as the motion for directions was adjourned until the hearing of the motion to dismiss the judicial review (para. 33). I find no fault in relation to the record not being filed, it was not as Ms. Luan submits, unreasonable conduct. Ms. Luan alleges abuse of process by the NSCN. I find no abuse of the court's process in any actions of the NSCN. Ms. Luan asserts that decisions made in 2016 and 2017 were not being reviewed but were raised by the NSCN. The 2016 and 2017 decisions had to be considered as part of the background. Their consideration did not increase the time or complexity of the proceeding. Ms. Luan indicated that there is an internal inconsistency in the position of the NSCN. Ms. Luan is mistaken. What she says is an inconsistent position by the NSCN is actually a quote from the Nova Scotia Court of Appeal in the NSCN's submission. Ms. Luan suggests that the NSCN brought the motion to strike without a reasonable foundation. While the motion was dismissed, the court did not find there was no reasonable foundation for the motion.

[8] The NSCN is entitled to costs. While the matter took a little more than a half a day, part of that time was spent on the motion to strike. The NSCN acknowledges that the matter was relatively straightforward.

[9] When I consider the time spent reviewing the extensive material filed on the motion to strike a very short paragraph of Ms. Luan's affidavit, I find the appropriate amount of costs in this matter is \$500.00.

Conclusion:

[10] Ms. Luan is directed to pay costs to the NSCN in the amount of \$500.00.

Lynch, J.