

This fiat is an addendum to my fiat dated September 17, 2019 and cited at 2019 SKQB 239. Counsel for Solonenko and Pospeluk has requested that the Local Registrar schedule a time for him and counsel for the Receiver to argue the issue of costs in this application brought by the Receiver. My fiat of September 17, 2019 is silent as to costs.

It is unnecessary to schedule a time for argument on the issue of costs. My fiat was silent as to costs because none were warranted. The Receiver was required to bring the application to resolve the issue of entitlement as between the Receiver and Solonenko and Pospeluk in accordance with the provisions of The Commercial Law Act.

As stated in the Receivership Order, the Receiver is permitted to seek direction from the court on matters concerning this receivership. This was an important and novel question that required the court to make a determination.

See: Hoffman v. Monsanto Canada Inc.,
2002 SKQB 190.

And see: Koch v. R & G Herb Farms
Ltd., 2008 SKQB 46.

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Neither the Receiver nor Solonenko or Perpeluk require any sanction by way of costs. They were all placed in this position, requiring adjudication, by the Debtor and its principal, Tyson Becker. For clarification, there will be no order as to costs.

G. R. Rothberg J.