

Court of King's Bench of Alberta

Citation: QM v RM, 2026 ABKB 185

Date: 20260311
Docket: FL01 37134
Registry: Calgary

Between:

QM

Applicant

- and -

RM

Respondent

Restriction on Publication

Identification Ban – See the *Family Law Act*, section 100.

By Court Order, no person shall publish or broadcast information that may identify the Child involved in this proceeding.

NOTE: Identifying information has been removed from this judgment to comply with the ban so that it may be published.

Costs Decision
of the
Honourable Justice M.A. Marion

I. Introduction

[1] On December 2, 2025, I issued my reasons in this matter: *QM v RM*, 2025 ABKB 704 (*Decision*).¹ In the *Decision*, among other things, I permitted the Father to relocate the Child to Vancouver. On December 16, 2025, I declined to re-open the Hearing, or vary or stay the Decision at the Mother's request: *QM v RM*, 2025 ABKB 751 (*Decision #2*).

[2] At para 412 of the *Decision*, I provided directions for the determination of costs of the Hearing, costs of the proceedings before the Arbitrator, and previous court proceedings, in the event the parties could not agree. At para 57 of *Decision #2*, I directed that the parties could address the costs of the Mother's post-*Decision* application as part of their costs submissions as directed in the *Decision*.

[3] The parties were unable to reach agreement on costs. I received costs submissions from the Father. Despite the Court inviting the parties to advise if they needed more time (*Decision* at para 413), and the Court following up twice about whether the Mother had provided cost submissions, the Mother did not provide any cost submissions.

II. Issue

[4] The issue is an appropriate costs award as per my directions.

III. Positions of the Parties

A. The Father

[5] The Father seeks 60% of his reasonable and proper costs incurred, plus an inflation adjustment, in the total amount of \$156,600, plus another \$15,000 for further enhanced costs to address, among other things, the Mother's undisclosed and improper use of artificial intelligence (AI). Alternatively, the Father seeks \$82,925 based on column 3 of Schedule C of the *Rules*, plus an inflation factor, plus \$5,000 for the use of AI.

[6] The Father also seeks costs in the amount of \$4,050 for the application required to determine costs, based on column 3 of Schedule C.

[7] The Father argues that costs based on 60% of the Father's reasonable and proper legal fees incurred is appropriate based on *McAllister v Calgary*, 2021 ABCA 25. The Father further argues that Schedule C of the *Alberta Rules of Court*, Alta Reg 124/2010 (*Rules*) is not a mandated default, but rather a useful benchmark; and that the Court has discretion to enhance the percentage used in *McAllister*, or to consider using other methodologies including, among other things, a lump sum.

[8] If the Court uses Schedule C as the basis for a costs determination, the Father argues that column 1 of Schedule C is not the default column for family matters (including relocation applications); that there is authority for using column 3 of Schedule C for relocation applications;

¹ These reasons use the same definitions as the *Decision* unless otherwise specified.

that an inflation adjustment is appropriate; and that the Court should apply multipliers to provide for enhanced costs for specific steps in the litigation.

[9] The Father argues that he had substantial success; the proceedings were long and complex; the Mother improperly used AI; the Mother made unfounded allegations of fraud against the Father and his legal counsel; the Mother breached the PN8 Order, court orders and the arbitration Awards; the Mother refused to admit matters that she should have admitted; the Mother made other unfounded allegations against the Father; the Mother engaged in family violence; and the Mother otherwise engaged in litigation misconduct.

B. The Mother

[10] As noted, the Mother did not provide the Court any costs submissions as per my directions.

[11] However, in her written final argument in respect of the Hearing, she sought an award for elevated costs against the Father due to his “litigation misconduct, procurement of fundamentally biased expert evidence, systematic violation of court orders, and tactics designed to exhaust [the Mother’s] resources rather than serve the [Child’s] interests – conduct that has unnecessarily prolonged proceedings and caused substantial harm to the vulnerable child at the center [sic] of this dispute.”

IV. Analysis

A. Costs Principles for Mobility/Relocation Applications

[12] General costs principles are summarized in *Uhuegbulem v Balbi*, 2025 ABKB 318 at paras 58-77, and are incorporated by reference.

[13] The general costs principles apply in the family context, including parenting and relocation matters: *JWS v CJS*, 2022 ABCA 63 at para 24; *AE v TE*, 2017 ABQB 674 at paras 4-5; *Laurence v Ross*, 2025 ABKB 292 at para 42; *MMP v TWZ*, 2023 ABKB 355 at paras 8-9; *BLC v JJDC*, 2019 ABQB 129 at para 56. However, in family matters, including those involving parenting and mobility/relocation, there may be additional costs considerations.

[14] Parenting matters, including mobility/relocation cases, are not typical civil litigation matters involving monetary amounts. Non-monetary actions often engage column 1 of Schedule C. In *SAL v B JL*, 2019 ABCA 350, at para 6, the Court of Appeal stated that the “usual column on custody and mobility trials” is column 1 of Schedule C. See also *MMP* at para 11; *CG v RH*, 2015 ABQB 99 at para 4; *Zawawi v Naim*, 2025 ABKB 534 at para 21; *St. Pierre v Brown*, 2022 ABCA 24 at para 21. However, these decisions do not set an inviolable rule.

[15] It has also been described that column 1 in a custody case is “at best a starting point”: *LAU v IBU*, 2016 ABQB 74 at para 236. More recently, and since *McAllister*, this Court has departed from any historical notion that there is a presumption that column 1 applies to parenting or mobility matters: *Ting v Ting*, 2023 ABKB 77 at paras 7-15; *Willick v Willick*, 2022 ABQB 389 at paras 15-16; *Laurence*. The modern trend is that ordinary cost principles apply, as adjusted for the

unique aspects of non-monetary family proceedings: *Ting; Laurence*. I agree with that approach provided sufficient weight is given to the realities of family litigation.

[16] One such reality is that legal costs may come out of the budget of the parents and the available funding for the well being of children: *Ting* at para 11, citing *King v MacDonald*, 2022 ABKB 849 at para 43; *MYW v DTW*, 2021 ABQB 713 at para 10; *Jivraj v Jivraj*, 2014 ABQB 307 at paras 16-17; *Toal v Podlubny*, 2025 ABKB 174 at para 13. In those circumstances, there can be a heightened need to ensure wasteful or inefficient litigation conduct is discouraged.

[17] It has been held that there are strong public policy reasons for awarding costs, including in cases involving custody/parenting: *Metz v Weisberger*, 2004 ABCA 151 at para 30; *Leckie v Legacy*, 2018 ABQB 32 at para 4. Costs awards against an unsuccessful parent, even a parent of modest means, encourage responsible litigation, accountability and early resolution: *MMP* at paras 40-41.

[18] As is obvious from the above principles, there is a nuanced balancing required to honour the purpose of costs, and to hold people accountable for their litigation conduct, while at the same time not barring access to justice or impairing the best interests of children by overzealously punishing a parent financially.

[19] A sampling of more recent cost decisions from this Court, in the context of mobility/relocation applications, illustrates this balancing and also provides useful insight.

[20] In *AL v CC*, 2012 ABQB 165, the Mother was unsuccessful in obtaining permission to relocate two children within Alberta. The Court found that the Mother took appropriate steps to bring the application, consented to a *viva voce* hearing, and did not engage in undue delay or misconduct. The Court refused to double costs based on a settlement offer, or to grant solicitor-client costs, because the “Mother would be punished for acting honestly and sincerely in requesting a decision regarding the children” where she had a legitimate reason for moving. The Court granted costs based on column 1 of Schedule C.

[21] In *CG v RH*, 2015 ABQB 99, Justice Dario noted the complexity of the issues raised in a six-day primary care, mobility and child support trial, as well as the litigation misconduct of one of the parties. She held column 2 was appropriate (based on the monetary issues involved) and ordered a lump sum amount of \$70,000 (inclusive of disbursements and costs).

[22] In *MMP v TWZ*, 2023 ABKB 355, Justice Feth (as he then was) granted a lump sum amount more consistent with *McAllister*, because Schedule C costs, in that case, would have exceeded full indemnity. The parties were of modest means, but a costs order was needed to provide “financial discipline”: *MMP* at para 48.

[23] In *Ting*, Justice Harris held that, in light of *McAllister*, it was not appropriate to presume that column 1 of Schedule C was appropriate in parenting matters. She noted that column 1 of Schedule C may be a reasonable landing point in cases of ordinary complexity, no litigation misconduct, a legitimate issue needing litigation, and a concern about costs depleting funds needed for the wellbeing of children: *Ting* at para 15. Justice Harris noted the length, complexity and

importance of the issues, but did not believe enhanced costs were appropriate. She held that costs equivalent to the lower end of the *McAllister* range were appropriate and ultimately awarded costs based on column 3 of Schedule C.

[24] In *Laurence*, Justice Loparco cited general costs principles and decided that the mobility application did not lend itself to a straightforward calculation of costs based on Schedule C, given its urgency, litigation misconduct and family violence: *Laurence* at para 33. She ordered the unsuccessful party to pay 80% of the successful party's solicitor-client costs.

[25] In *KMK v JJW*, 2025 ABKB 415, Justice Jugnauth granted a lump sum award, after considering the parties' bill of costs based on column 1 of Schedule C, which approximated 40% of the successful party's actual legal fees. There was no misconduct or sanctionable behaviour by either party. Justice Jugnauth noted that the lack of information about hourly rates, seniority and experience of counsel made it difficult to assess the reasonableness of the claim for a percentage of solicitor-client fees: *KMK* at para 49.

[26] In *KCR v MCD*, 2025 ABKB 521, Justice Renke granted an award of 45% of reasonable actual costs for a short hearing akin to a mobility hearing, where the Schedule C costs were close to 45% of actual costs.

[27] In *MRP v K-AP*, 2025 ABKB 669, the successful party sought 50-80% recovery of her solicitor-client accounts for a mobility hearing where mobility was ultimately conceded, the hearing proceeded primarily on the resulting parenting order, and there was no litigation misconduct. The solicitor-client costs were \$77,500, based on heavily redacted accounts. Justice Eamon found that attempting to properly consider a percentage of solicitor-client costs under *McAllister* and *Barkwell v McDonald*, 2023 ABCA 183 at para 74 [*Barkwell #2*], among others, would require substantial effort and multiple court appearances. At para 64, he noted that Schedule C remained a useful tool in assessing the quantum of costs and applied costs based on column 2 of Schedule C.

[28] In my view, these cases reflect that where parents conduct relocation/mobility litigation reasonably and in good faith, courts will be more likely to use column 1 of Schedule C and award more modest cost awards. However, parents engaging in litigation misconduct will not be spared the consequences of their actions. The wellbeing of children is always important.

B. Approach to Costs Determination in this Case

[29] As noted above, my costs determination encompasses the costs of the Arbitrator proceedings, pre-relocation Hearing court costs, relocation Hearing costs, costs of the Mother's post-Hearing application, and the costs determination process. The Father's seeks costs for each of these matters.

[30] In my view, the costs considerations for these various steps and processes are not necessarily the same. They are most appropriately assessed as separate matters.

[31] Further, the Father's claim that the quantum of costs should be based on a percentage of his actual legal costs incurred is problematic in this case. The Father has presented his actual costs

in a table format with only a few rows, each of which covers an extensive timeframe, some encompassing a few months and others almost a year. There is a general block description of the work done, and a round lump sum number amount for each time period. As an example, this is one of the entries:

December 1, 2024 to September 26, 2025	Preparation of Oral Hearing Materials, including Application, Affidavits (Reply, Update, Third Party), Questioning Preparation and attendance at Questioning of each party, Case Management Appearance before Kuntz J x 3, attendance and preparation for June Oral Hearing and September Oral Hearing, Costs Submissions, attendance at June 30, 2025 appearance, drafting of Orders for Case Management and between Oral Hearings, responses to opposing party communications to the Court.	\$120,000.00
--	---	--------------

[32] No accounts, detailed time entries, or hourly rates were provided. It is unclear if the table represents the actual amount charged, or an estimate, or something else. It is impossible for the Court to break down the Father's large blocks of time into their component parts so as to assess the charges against the specific litigation steps taken.

[33] As summarized in *Uhuegbulem* at para 76:

[76] A rule of thumb of 40 to 50% recovery of a party's solicitor-client costs must consider both the payor's and the recipient's perspective - the quantum should reflect: (1) the costs that the cost-entitled recipient, as a reasonable client, might be required to pay for the services rendered (as informed by a detailed analysis of all the factors that go into assessing solicitor's fees under rules 10.2 and 10.33); and (2) whether that quantum represents an amount that the losing party in the litigation should reasonably be expected to pay to the winning party (as informed by appropriate costs using Schedule C as a rough measure of how much should have been incurred): *McAllister* at paras 41-43, 46, 48; [*Barkwell v McDonald*, 2023 ABCA 87 at paras 57-60]; [*Barkwell #2* at para 74], leave to SCC refused 2023 CanLII 100620; [*Serinus Energy PLC v SysGen Solutions Group Ltd*, 2024 ABKB 123] at para 26; [*Ford v New Democrats of Canada Association*, 2024 ABCA 395] at para 21; *Sutherland v Sutherland*, 2023 ABCA 185 at para 4; *Sunridge Nissan Inc v McRuer*, 2023 ABCA 128 at para 57, leave to SCC refused 2023 CanLII 122411; *Petropoulos v Petropoulos*, 2023 ABCA 193 at para 18. Parties should always provide a draft bill of costs based on Schedule C regardless of the costs claimed: *Barkwell* at para 58.

[34] As per *Barkwell* at para 60 (emphasis added):

[60] If the winning party seeks a costs award based on a percentage of solicitor and client fees, that request must be justified by a consideration of the factors in R. 10.2 that are relevant to the reasonableness of a fee. That includes the importance of the issues, the circumstances of the client, the manner in which the services were provided, the skill and responsibility involved, and other relevant considerations. Many of those same issues are also listed in R. 10.33, which in addition to the amount in issue, refers to the complexity of the action and the conduct of the parties. Also relevant are things like the hourly rates being charged (including paralegal or administrative time), whether those rates were appropriate given the seniority and experience of counsel, whether the work was being done by lawyers of appropriate seniority, the number of counsel involved, whether the duration and intensity of pre-trial questioning was appropriate or excessive or disproportionate, whether unnecessary interlocutory proceedings were launched and the outcome of those proceedings, and whether the ultimate fee was proportionate to the issues.

[35] In this case, the Father has not provided me with enough detail to assess whether his actual solicitor-client costs are reasonable costs, reasonably incurred in accordance with *McAllister* and *Barkwell*. Similar to *MRP*, it would be inefficient and costly to direct a further process to get further information so that a proper analysis could be conducted. Schedule C remains a useful tool which can allow me to fairly assess costs. The Father's solicitor-client costs information nonetheless provides some high-level information against which to consider whether Schedule C provides a reasonable or meaningful level of indemnification: *McAllister* at para 49.

[36] The Father claims that an inflation adjustment is appropriate, regardless of whether costs are quantified based on a percentage of actual fees or using Schedule C. I do not need to decide whether an inflation adjustment would be appropriate using a percentage of actual fees approach under *McAllister*. However, I agree that an inflation factor of 25% is appropriate for Schedule C in this case, for the reasons set out in, and authorities relied on in, *Distinct Real Estate USA 2, LP v Wazonek*, 2025 ABKB 451 at para 33; see also *DM v TK*, 2026 ABKB 137 at para 10; *Blench v Cheng*, 2024 ABKB 616 at para 18.

C. Arbitration Costs

[37] The Father claims costs for contested applications before the Arbitrator on February 24, 2023 and March 9, 2023, which led to awards on February 28, 2023 and March 9, 2023, as well as an oral hearing conducted on March 27 and 31, 2023 (which resulted in the April 2023 Award). The Father's Schedule C bill of costs was based on column 3, with a proposed inflation adjustment.

[38] The context of these Arbitrator decisions was explained in the *Decision* at paras 132-144. In her March 9, 2023 award, the Arbitrator deferred costs for the February 24, 2023 application and the March 9, 2023 application to be spoken to after the full hearing of the matter. In the April 23, 2023 Award, the Arbitrator held that costs of the oral hearing (and presumably the previous two applications) could be spoken to after a decision about the Child's educational placement was made. The Arbitrator resigned on June 26, 2023. It is not clear that she ever made any cost determinations as contemplated by her awards.

[39] The February 24, 2023 application was cut short because the Mother was unable to attend in person and was unable to attend virtually without the Child being present, due to a lack of available childcare. It was, in effect, a contested adjournment and I award the Father \$200, based on item 7(2) of column 1 of Schedule C (plus a 25% inflation factor), for that attendance.

[40] The March 9, 2023 application was held in the Mother's absence. It was, in effect, an uncontested application. I award the Father \$400 (plus a 25% inflation factor) for an uncontested application under item 6(1) of column 1 of Schedule C.

[41] I summarized the outcome of the March 27/31, 2023 oral hearing as follows at para 144 of the *Decision*:

The April 2023 Award denied the Mother's proposed relocation of the Child with her to Canmore and provided the Father with parenting time from Sunday to Thursday and the Mother parenting time from Thursday to Sunday (giving the Mother one more day of parenting time than in the March 2023 Award/March 2023 Order). The Arbitrator refused to give either party sole decision-making and provided directions for the parties to gather new educational placement options given that LFD was no longer an option.

[42] In my view, it cannot be said that either party had substantial success at that hearing. The Mother was not permitted to relocate the Child, but the Father did not obtain what he wanted, namely sole-decision making; and the Mother's parenting time was increased. I find the parties had mixed success of that oral hearing and should bear their own costs of that oral hearing.

[43] In summary, I award the Father \$750² (plus GST) for Arbitration costs.

D. Pre-Relocation Hearing Court Costs

[44] In my view, the relocation Hearing process effectively started on November 12, 2024. The Father claims costs for several court steps prior to that. His Schedule C bill of costs uses column 3, with an inflation adjustment, but also includes multipliers for certain steps. In my view, a reasonable approach is to use column 1, with an inflation adjustment, with multipliers as necessary for specific items or litigation steps where it is warranted based on a consideration of the rule 10.33 factors, including complexity, importance and misconduct.

1. March 16, 2023 Urgent Request/Bypass Family Docket Court and March 24, 2023 Consent Order

[45] The Father claims a contested application based on his urgent request to bypass Family Docket Court, as well as the costs for the application that was approved to proceed. See the *Decision* at paras 140-142.

[46] There is no item under Schedule C for a short written application like an urgent request to bypass Family Docket Court. It does not require an attendance. Item 7(1) is therefore not

² Based on (\$200+\$400) X 1.25.

appropriate. I find something between an uncontested application (item 6(1)) and a contested adjournment (item 7(2)) is most appropriate. The Father was successful in bypassing Family Docket Court. I award him \$300 (plus a 25% inflation adjustment).

[47] The March 24, 2023 application resulted in a Consent Order. A consent order, where the parties attend in court, is effectively an uncontested application to which item 6(1) can apply: *TM v KM*, 2021 ABQB 936 at para 16; *Grisbrook v Grisbrook*, 2016 ABQB 455 at para 8. I award the Father \$400 (plus a 25% inflation adjustment).

2. May 9, 2023 Urgent Request/Bypass Family Docket Court

[48] The Father was successful in opposing the Mother's request to bypass Family Docket Court. Justice Dilts had not been provided sufficient information, decided the matter was not urgent, and advised the Mother that if she wished to bring the matter before the Court she would have to go through the Family Docket Court process. I award the Father \$300 (plus a 25% inflation adjustment).

3. May 11, 2023 Notice to Attend/June 7, 2023 Family Docket Court Appearance

[49] The Mother attempted to engage the Family Docket Court process. On June 7, 2023 Justice Kiss struck her matter from the Family Docket Court list because the "Family Docket process cannot be used to circumvent" an arbitration agreement.

[50] The Father claims item 9(1), on the basis that this was akin to a case management attendance. He also seeks a 3X multiple. I agree that item 9(1) is appropriate, and this has been used in other cases by agreement of parties: *MRP* at para 66 (note 1). I do not agree that a multiple is appropriate given the Court's implication that the Mother should bring the matter to Family Docket Court. I award the Father \$340 (plus a 25% inflation adjustment).

4. May 18, 2023 Urgent Request/Bypass Family Docket Court and June 5, 2023 Application

[51] The Father was successful in the June 5, 2023 application and obtained an interim parenting and child support order enforcing the Arbitrator's March 9, 2023 award: *Decision* at paras 150-151. I disagree with the Father that a 5X multiplier is appropriate. However, during this application the Mother made unsubstantiated allegations of family violence and child abuse, among other things, against the Father. A 3X multiplier is appropriate to address the Mother's conduct. I award the Father 3X item 7(1) (plus a 25% inflation adjustment), or: $\$675 \times 1.25 \times 3 = \$2,531.25$ for this application.

5. November 3, 2023 Application

[52] On November 3, 2023, Justice Malik granted the November 2023 Order, which provided the Mother parenting time, among other things: *Decision* at para 171. This was a consent order and I award the Father \$400 (plus a 25% inflation adjustment).

6. Case Management Appearances and Applications

[53] The Father claims item 9(1) for some case management appearances before CMJ Kuntz, and items 7(1) and 9(1) where she addressed a contested application.

[54] I award the Father \$340 (plus a 25% inflation adjustment) for the case management attendance on December 1, 2023 and \$300 (plus a 25% inflation adjustment) for the Mother's unsuccessful attempt to obtain leave to file an application on February 15, 2024.

[55] On July 4, 2024, CMJ Kuntz heard and decided two applications (the Father was successful obtaining a restraining order and an order directing the Mother to pay a share of Arbitrator costs, and in resisting the Mother's attempt to vary their consent parenting order). I agree with the Father that this should be treated as two separate applications and a case management attendance. I award the Father \$675 (plus a 25 % inflation adjustment) twice for item 7(1), and \$340 (plus a 25% inflation adjustment) for item 9(1).

7. Summary of Pre-Relocation Hearing Court Costs

[56] In summary, I award the Father pre-relocation Hearing court costs as follows:

Date	Description	Amount	Adjusted for Inflation	Multiplier	Total
16-Mar-23	Urgent Request	300.00	375	1	375
24-Mar-23	Consent Order	400.00	500	1	500
09-May-23	Urgent Request	300.00	375	1	375
05-Jun-23	Contested Application	675.00	843.75	3	2531.25
07-Jun-23	Family Docket Court	340.00	425	1	425
03-Nov-23	Consent Order	400.00	500	1	500
01-Dec-23	Case Management	340.00	425	1	425
15-Feb-24	Written Application	300.00	375	1	375
04-Jul-24	Application #1	675.00	843.75	1	843.75
04-Jul-24	Application #2	675.00	843.75	1	843.75
04-Jul-24	Case Management	340.00	425	1	425
	TOTALS	4,745.00	5,931.25		7,618.75

E. The Relocation Hearing

[57] I address factors under rule 10.33 below with respect to the relocation Hearing process.

1. Result of the Hearing and Degree of Success

[58] The Father had substantial success in the relocation Hearing and is *prima facie* entitled to his costs for the relocation Hearing: *Rules*, rule 10.29; *JWS* at para 24; *McAllister* at para 21.

2. Importance of the Issues

[59] The Hearing was of critical importance to both parties. It involved the residence of the Child and, regardless of the outcome, would have a material impact on the Child's life and parenting time with at least one of the parents. Each parent fervently advanced a position they believed was in the Child's best interest.

3. Complexity of the Hearing

[60] The relocation Hearing process effectively started in November 2024 and did not finish until December 2025. It was on the high end of the scale of complexity for a relocation hearing (many of which are conducted in a single day streamlined trial or oral hearing process).

[61] This Hearing had a significant pre-filed evidence component. The record was colossal: *Decision* at para 14. The record volume was exacerbated by the Mother's approach to the litigation and her communications with the Father, the Court, and the Court's Expert. The oral hearing spanned eight days separated by several months, with lengthy written submissions. It involved a young child with special needs and expert evidence. The Mother's aggressive and unsuccessful approach and challenge to the Expert complicated the process. The process was also complicated by the outdated PN8 Report which needed updating over the summer of 2025. It was actively case managed.

4. The Father's Conduct

[62] As I noted in the *Decision*, the Father made some questionable decisions post-separation that inflamed the parties' co-parenting relationship, including unilaterally ceasing child support and engaging the police in August 2023. But this conduct pre-dated the relocation Hearing process. The Father's litigation conduct in the Hearing process was reasonable. His legal costs were higher than they otherwise would have been but-for the Mother's conduct in the Hearing process.

5. The Mother's Conduct

[63] The Mother engaged in significant litigation misconduct, some of which increased the length, complexity and costs of the relocation Hearing process, and some of which is otherwise sanctionable in costs. In particular, the Mother:

- (a) breached the PN8 Order by photographing part of it and texting it to KA. She then denied doing so during the trial despite the clear evidence she had done so;
- (b) unsuccessfully attempted to seek an adjournment of the Hearing in June 2025;
- (c) applied for the right to provide her own expert evidence and a rebuttal report to the Expert, but then did not file any such evidence even though I gave her permission to do so;
- (d) filed a late affidavit, and included inadmissible materials in her affidavits which had to be addressed in a preliminary application that took the better part of a day;

- (e) missed a court appearance after the first phase of the Hearing, which I scheduled on an urgent basis, related to her counsel's request to withdraw and the Mother's request for urgent relief based on a letter she wrote the Court: *Decision* at paras 10-11;
- (f) breached the restraining order during the relocation Hearing process, and then denied doing so at trial;
- (g) gave evidence that was reckless with respect to the truth and was highly exaggerated, or failed to admit obvious matters, including as summarized out in the *Decision* at para 52;
- (h) engaged in reprehensible misconduct with respect to the court-appointed Expert. She consented to his appointment, agreed the PN8 Report needed to be updated, and then, during the PN8 Update process, she engaged in a demanding, threatening and inappropriate campaign designed to influence the Expert to effect a result consistent with her position: *Decision* at para 401, 409(a). Then, she did not object to his evidence during the second phase of the Hearing, but then unreasonably objected to its admissibility in her written argument notwithstanding rule 6.40. She raised a multitude of unfounded concerns about the Expert's evidence. The Mother's approach to the Expert is a significant factor warranting enhanced costs;
- (i) raised serious unfounded allegations against the Father which were ultimately not proven, including raising safety concerns with the Expert about the Child when in the Father's care;
- (j) wrote to the Court directly, notwithstanding that she was represented by counsel; and
- (k) continued to engage in family violence in her communications with the Father, during the litigation process, all of which were designed to deter him from continuing with the relocation Hearing: *Decision* at para 357. Such reprehensible conduct that continues throughout litigation is a significant factor warranting enhanced costs: *Laurence* at paras 39-40.

[64] I find that the Mother's conduct warrants enhanced costs. No matter the strength of a parent's belief in the righteousness of their position, as here, a parent cannot engage in destructive, obstructive and inflammatory litigation misconduct with the other parent, court experts, and court processes, and then expect to avoid costs consequences.

[65] Based on the factors set out above, I have applied a 3X multiplier to column 1 of Schedule C for the preparation for and attendance at the relocation Hearing (with a 25% inflation adjustment). A summary of appropriate Schedule C costs is set out below.

Item #	Date	Description	Amount	Adjusted for Inflation	Multiplier	Total
9(1)	12-Nov-24	Case Management Attendance	340	425	1	425
1(1)		Commencement Documents	1,350	1,688	1	1,688
7(1)	19-Mar-25	Case Management Attendance and Mother's unsuccessful application	675	844	1	844
5(1)		Questioning Preparation	675	844	1	844
5(2)	10-Apr-25	Full Day Questioning of Father	1,350	1,688	1	1,688
5(2)	11-Apr-25	Full Day Questioning of Mother	1,350	1,688	1	1,688
3(2)		Review of Mother's Documents	675	844	1	844
3(1)		Father's disclosure (by undertakings)	650	813	1	813
9(1)	17-Apr-25	Case Management Attendance	340	425	1	425
9(1)	13-May-25	Case Management Attendance	340	425	1	425
7(1)	29-May-25	Contested Application	675	844	1	844
10(1)		Preparation for Phase One of Hearing	2,700	3,375	3	10,125
11(1)	03-Jun-25	First 1/2 day of Phase One of Hearing	1,350	1,688	3	5,063
11(3)		9.5 Additional 1/2 days for Phase One of Hearing	6,413	8,016	3	24,047
7(1)	30-Jun-25	Contested Application	675	844	3	2,531
10(1)		Preparation for Phase Two of Hearing	2,700	3,375	3	10,125
11(1)	02-Sep-25	6 Additional 1/2 days for Phase Two of Hearing	4,050	5,063	3	15,188
12		Written Argument	1,350	1,688	3	5,063
12		Written Reply Argument	1,350	1,688	3	5,063
		TOTALS	29,008	36,259		87,728

[66] In the circumstances, I find that \$87,728 in costs provides a reasonable and appropriate level of indemnification. I have considered the Father's actual costs claimed for the relocation Hearing (approximately \$120,000).

F. Application to Re-open the Trial

[67] In *Decision #2*, I rejected the Mother's application to re-open the trial or vary the *Decision*. The Father was successful in that application and is entitled to costs.

[68] I find that enhanced costs are also warranted with respect to this application, for three main reasons.

[69] First, the Mother made unsubstantiated allegations against the Father that he had committed fraud by not disclosing the post-trial change to his employment status.

[70] Second, as addressed in *Decision #2*, the Mother denied using AI in creating her submissions for this application. I did not need to decide whether she did so for the purposes of *Decision #2*. For the purposes of costs, I find that the Mother's denial of use of AI is simply not believable. She likely used AI and did not disclose it. Her written submissions had hallmark "hallucinated" case citations that did not exist, and misstated the *Decision*. Use of AI in non-compliance of court protocols is worthy of sanction, and "self represented litigants can expect more substantial penalties to be imposed in the future should they fail to comply...": *Reddy v Saroya*, 2025 ABCA 322 at para 84; *DJ v SN*, 2025 ABCA 383 at paras 25-26; *Barrette v Wevers*, 2025 ABKB 723 at paras 25-26. In any event, if she did not use AI, she still filed a false affidavit in support of her unsuccessful application and did not take the time to ensure the accuracy of her affidavit or submissions; this is also "unacceptable" and, in my view, worthy of enhanced costs: *NCR v KKB*, 2025 ABKB 417 at paras 108-110.

[71] Third, within days of the *Decision* being released, the Mother was not following it.

[72] The Mother's post-Hearing application was the equivalent of an urgent special application requiring a brief. Item 8(1)(a) of column 1 of Schedule C is appropriate, with an inflation adjustment and a 2X multiplier to reflect the urgency and the Mother's litigation misconduct in the context of this application. I award the Father $\$1,350 \times 1.25 \times 2 = \$3,375$ for his application.

G. Costs of the Costs Process

[73] The Father has been successful in his costs position, which required written submissions. However, it was not contested by the Mother. I exercise my discretion to award the Father the lump sum of \$1,000 plus GST for the costs determination process.

H. Summary of Costs Awards

[74] Based on the foregoing, the Father is awarded legal costs as follows (before GST):

- (a) \$750 for Arbitration costs;
- (b) \$7,618.75 for pre-relocation Hearing court costs;
- (c) \$87,728 for relocation Hearing costs;
- (d) \$3,375 for the Mother's post-*Decision* application; and
- (e) \$1,000 for the determination of costs application.

[75] The total cost award for legal fees is \$100,471.75, plus GST (or \$105,495.34 with GST).

[76] The Father's disbursements and other charges were not challenged, appear reasonable for a matter of this nature, and are allowed as claimed.

[77] I find that this costs award is a proportionate, fair and appropriate balancing of the purpose of costs, including the partial indemnity of the Father and addressing the Mother's litigation misconduct. These parents must continue to co-parent the Child for many years. I am not satisfied that this costs award will directly affect the Child's overall best interests, including given the Father's evidence and position that he was prepared and able to comfortably support the Child. It is hoped that holding the Mother accountable now may improve her litigation choices in the future, which would be in the Child's best interests.

V. Conclusion

[78] I grant the cost award noted above. The Father's counsel shall prepare the order and I invoke rule 9.4(2)(c). There shall be no costs for the preparation of the order.

Heard by written submission filed January 13, 2026.

Dated at the City of Calgary, Alberta this 11th day of March, 2026

M.A. Marion
J.C.K.B.A.

Appearances:

Soni Dhaliwal
for the Father

RM (no written submission provided)
Self-represented litigant