

IN THE COURT OF APPEAL OF MANITOBA

Coram: Madam Justice Diana M. Cameron
Mr. Justice William J. Burnett
Madam Justice Lori T. Spivak

BETWEEN:

<i>PATRICIA ANN BAZAN, by the Committee of Her Property and Personal Care, THE PUBLIC GUARDIAN AND TRUSTEE OF MANITOBA</i>	)	<i>L. Bazan</i>
	)	<i>on behalf of the Appellants</i>
)	
	)	<i>J. Taylor</i>
	)	<i>for the Respondent</i>
<i>(Applicant) Respondent</i>	)	<i>The Public Guardian and</i>
	)	<i>Trustee of Manitoba</i>
<i>- and -</i>)	
	)	<i>N. M. Czyzowicz</i>
<i>WILLIAM PATRICK BAZAN and ANDREW BRIAN JAMES BAZAN</i>	)	<i>on her own behalf</i>
)	
	)	<i>No appearance</i>
<i>(Respondents) Appellants</i>	)	<i>for the Respondents</i>
	)	<i>M. M. Bazan and</i>
<i>- and -</i>	)	<i>H. Sankar</i>
)	
<i>NANCY MARIE CZYZOWICZ, MONICA MARIE BAZAN and HAROLD SANKAR</i>	)	<i>Appeal heard and</i>
	)	<i>Decision pronounced:</i>
	)	<i>May 2, 2022</i>
<i>(Respondents)</i>)	

BURNETT JA (for the Court):

[1] The respondents, William Patrick Bazan and Andrew Brian James Bazan (the respondents), appeal an award of costs made October 27, 2021.

[2] The application judge ordered that the Public Guardian and Trustee was entitled to legal fees in the sum of \$28,894.75 from the estate of Patricia

Ann Bazan. He further ordered that the respondents, jointly and severally, were required to pay \$21,000 to the estate as a partial indemnity for those legal fees as the respondents were wholly unsuccessful and the manner in which they conducted themselves unnecessarily prolonged the proceedings.

[3] The respondents raise numerous grounds of appeal. The core issue is whether the application judge erred in exercising his discretion to award the costs and to order the partial indemnity.

[4] We agree with the Public Guardian and Trustee of Manitoba that the application judge did not err, and in our view, this appeal is without merit.

[5] The appeal is therefore dismissed, with costs in the sum of \$1,000, payable by the respondents to the Public Guardian and Trustee of Manitoba within 60 days.

Burnett JA

Cameron JA

Spivak JA
