

2005 BCSECCOM 753

Nano World Projects Corporation and Robert Papalia

Section 174 of the *Securities Act*, RSBC 1996, c. 418

Costs Order

Background

- ¶ 1 In the decision dated October 27, 2005 (2005 BCSECCOM 648), the Commission asked for submissions on costs. On November 17, 2005, the Executive Director filed submissions. Robert Papalia made no submissions.

Order

- ¶ 2 The Commission orders under section 174 of the Act that Papalia pay \$29,766.40.

Reasons

- ¶ 3 Although there is no reason to conclude that any costs were improperly incurred or recorded, we must also assess whether the costs were reasonable. We have concluded that the litigation costs should be reduced. Without any supporting information, such as time sheets, we can only assess the costs in this case by comparing it to similar cases. Although the Executive Director said that the cases could not usefully be compared, we remain of the view that the *Durante* case (2004 BCSECCOM 634) is a similar case. In any event, it is the only information available to allow us to assess reasonableness.
- ¶ 4 Litigation costs in *Durante* were lower. We expect the costs in this case to be higher since we did not hear submissions on sanctions until we had issued our findings on liability. However, litigation costs were approximately \$10,000 higher. In the absence of submissions to show why this higher amount is reasonable, we decided to reduce the litigation costs by \$5,000 to \$15,490.
- ¶ 5 In addition, since the hearing was essentially one day, although spread out over two for convenience, we have decided that administration costs should be calculated as though the hearing were one day. We reduced those costs by \$2,000.
- ¶ 6 Accordingly, we reduced the bill of costs from \$36,766.40 to \$29,766.40.
- ¶ 7 December 21, 2005

Robin E. Ford
Commissioner

2005 BCSECCOM 753

Marc A. Foreman
Commissioner

John K. Graf
Commissioner