

# COURT OF APPEAL FOR THE YUKON TERRITORY

Citation: *Bemis v. Yukon*,  
2009 YKCA 12

Date: 20090918  
Docket: YU617

Between:

**Gary Bemis**

Appellant  
(Petitioner)

And

**Government of Yukon, Department of Energy Mines &  
Resources (Lands Branch), Linda Anderson,  
Yukon Municipal Board, City of Whitehorse**

Respondents  
(Respondents)

Before: The Honourable Mr. Justice Donald  
The Honourable Mr. Justice Frankel  
The Honourable Madam Justice D. Smith

Supplementary Reasons to: Court of Appeal for the Yukon Territory, May 29, 2009  
(*Bemis v. Government of Yukon*, 2009 YKCA 7, Docket: CA08-YU617)

Appearing on his own behalf: G. Bemis

Counsel for the Respondents,  
Government of Yukon and Department of Energy  
Mines & Resources (Lands Branch): M. Winstanley

Counsel for the Respondent, City of Whitehorse: L. Lavoie

Place and Date of Hearing: Whitehorse, Yukon Territory  
May 29, 2009

Place and Date of Judgment: Vancouver, British Columbia  
May 29, 2009

Written Submissions Received: July 23, July 31 and August 6, 2009

Date of Supplementary Judgment: September 18, 2009

**Supplementary Reasons of the Court**

**VANCOUVER**

SEP 18 2009

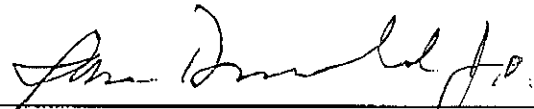
**COURT OF APPEAL  
REGISTRY**

**Supplementary Reasons for Judgment of the Court:**


[1] The parties disagree on costs. They have filed written submissions. Having considered those submissions, we are agreed that:

1. there is no case for special costs as requested by the appellant;
2. the appellant is entitled to his costs on appeal;
3. the appropriate scale is Scale 1 in Appendix B of the Rules; and
4. the assessment of the quantum of costs is for the Registrar.

[2] There will be an order accordingly.

  
The Honourable Mr. Justice Donald

  
The Honourable Mr. Justice Frankel

  
The Honourable Madam Justice D. Smith  
per 