

St. Mary's Indian Band v. Cranbrook (City), [1997] 2 S.C.R. 678

**St. Mary's Indian Band and St. Mary's Indian Band Council** *Appellants*

v.

**The Corporation of the City of Cranbrook** *Respondent*

and

**The Attorney General of Canada** *Intervener*

**Indexed as: St. Mary's Indian Band v. Cranbrook (City)**

File No.: 24946.

1997: September 23.

Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

re-hearing on issue of costs

*Costs -- Costs not awarded in original judgment -- Re-hearing sought to determine issue of costs -- Extension of time granted for making application for re-hearing -- Re-hearing granted -- Costs awarded at re-hearing.*

RE-HEARING on issue of costs of an appeal heard by the Supreme Court of Canada, [1997] 2 S.C.R. 657. Costs awarded.

Written submissions only by *John L. Finlay*, for the appellants.

Written submissions only by *Nancy Brooks*, for the respondent.

The judgment of the Court was delivered by

1 THE CHIEF JUSTICE -- The application for extension of time and the application for re-hearing are granted. Costs are awarded to the respondent, City of Cranbrook, on the appeal, [1997] 2 S.C.R. 657, and on the application to extend time and for re-hearing.

*Judgment accordingly.*

*Solicitors for the appellants: Arvay, Finlay, Victoria.*

*Solicitors for the respondent: MacKenzie, Murdy & McAllister, Vancouver.*