

Date: 20070809

Docket: T-547-04

Citation: 2007 FC 828

BETWEEN:

JACQUES ROY, trustee

Applicant

and

MARC MAYRAND

and

ATTORNEY GENERAL OF CANADA

Respondents

and

SYLVIE LAPERRIÈRE

Interested Party

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment in writing of the respondents' bill of costs following an order of the Court dated May 16, 2005, dismissing the application for judicial review with costs.

[2] The following fees are allowed in the amount of \$4,980 for the following items of Tariff B: 2 (5 units), 6 (1.75 hours x 2 units ÷ 2) (dockets T-75-04 and T-547-04), 13(a) (4 units ÷ 2) (dockets T-75-04 and T-547-04), 14(a) (19.5 hours x 3 units ÷ 2) (dockets T-75-04 and T-547-04), 25 (1 unit ÷ 2) (dockets T-75-04 and T-547-04) and 26 (3 units). I allowed only 19.5 hours for item 14(a) based on the transcript for the hearing held on March 8, 9, 10 and 11, 2005. In addition, I allowed 3 units for item 26 because this item varied from 2 to 6 units and the respondents' request appeared reasonable to me.

[3] Based on the evidence presented, the disbursements are allowed in the amount of \$1,107.23. I allowed the following amounts: \$280.99 for printing costs and \$818.24 for travel and accommodations costs.

[4] The disbursements for the printing costs seem reasonable and are supported by the affidavit of the respondents' counsel and the copies of the invoices.

[5] I consider the travel and accommodations expenses to be costs incurred by the respondent because for each of the two claims a cheque was issued to the respondents' counsel. In addition, according to the caselaw in *Decker v. Canada (Attorney General)* (T-1124-03), the accommodations and breakfast, lunch and dinner costs, as well as the incidentals paid at the government rate, are reasonable costs. Therefore, they are allowed. However, I disallowed the \$8 paid for counsel's parking at his office because that expense represents, in my opinion, an office operating cost and not a travel cost.

[6] Under item 2 of Tariff A, the sum of \$75 was claimed from the respondents for the payment of court fees for a hearing that lasted over 3 days. I think that, since the respondents had to pay this amount under Tariff A, they should be able to claim it.

[7] The bill of costs of the respondents submitted at \$7,062.24 is thus assessed in the amount of \$6,154.23. An assessment certificate will be issued for this amount.

“Diane Perrier”

DIANE PERRIER
ASSESSMENT OFFICER

QUÉBEC, QUEBEC
August 9, 2007

Certified true translation
Susan Deichert, Reviser

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-547-04

STYLE OF CAUSE: JACQUES ROY, trustee and MARC MAYRAND and
ATTORNEY GENERAL OF CANADA and SYLVIE
LAPERRIÈRE

ASSESSMENT OF COSTS WITHOUT PERSONAL APPEARANCE OF PARTIES

REASONS BY: DIANE PERRIER

DATED: August 9, 2007

SOLICITORS OF RECORD:

Gervais & Gervais
Montréal, Quebec

FOR THE APPLICANT

John H. Sims, Q.C.
Deputy Attorney General of Canada

FOR THE RESPONDENTS