

Date: 20080807

Docket: T-2473-03

Citation: 2008 FC 934

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**SAM LÉVY & ASSOCIÉS INC.
AND SAMUEL S. LÉVY**

Respondents

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of the respondents' bill of costs following an order of the Court issued on February 3, 2005, dismissing the application for judicial review with costs. At the respondents' request, the assessment was conducted on the basis of the parties' written representations.

[2] The respondents claim the following assessable services: item 1 – preparation of defence record (6 units), item 13(a) – preparation for hearing (4 units), item 14(a) – appearance at the hearing on January 18, 2008 (7.5 hours x 3 units), item 25 – services rendered after judgment

(1 unit) and item 26 – assessment of costs (3 units). I reviewed these assessable fees, and they are all allowed with the exception of item 14(a), which should be 5.5 hours instead of 7.5 hours, according to the transcript of the hearing. The assessable fees are therefore allowed at \$3,660.

[3] The disbursements are allowed for the following items: cost of preparing the respondents' record (\$137.22), cost of printing the books of authorities ($\$342.88/3 = \114.29 dockets T-2473-03, T-75-04, T-547-05) and travel costs (Montréal/Québec – $258 \text{ km} \times 2 \times \$0.455/\text{km} = \$234.78/3$ dockets \$78.26) since the disbursements were established by affidavit, and they are not disputed. I allowed \$16 for parking since docket T-2473-03 was only heard on January 18, 2005. I allowed \$180.19 for accommodation costs since the hearing of this case took place on January 18, 2005, and ended at 4:50 p.m., which allowed counsel for the respondents to return to Montréal if he had to. With respect to the lunches, it seems to me that \$136.77 for lunch on January 17, 2005, and \$80.67 for lunch on January 18, 2005, cannot be considered reasonable. That is why I allowed \$33.15 for lunch on January 17, 2005, based on the October 2005 tariff of the Treasury Board Secretariat travel directorate, and the same amount for lunch on January 18, 2005. In addition, I allowed \$17.30 as incidental expenses for January 17, 2005, and January 18, 2005, because these costs are usually allowed in the Treasury Board Secretariat travel directorate, which I consider to be a reasonable guide for claiming travel expenses. The disbursements are allowed at \$626.86.

[4] The bill of costs totalling \$5,278.73 will therefore be allowed at \$4,286.86. A certificate of assessment will be issued in this amount.

Montréal, Quebec
August 7, 2008

Diane Perrier
ASSESSMENT OFFICER

FEDERAL COURT
SOLICITORS OF RECORD

COURT DOCKET: T-2473-03

Between:

ATTORNEY GENERAL OF CANADA

Applicant

and

**SAM LÉVY & ASSOCIÉS INC.
AND SAMUEL S. LÉVY**

Respondents

ASSESSMENT OF COSTS IN WRITING WITHOUT APPEARANCE BY THE PARTIES

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: August 7, 2008

SOLICITORS OF RECORD:

John Sims
Deputy Attorney General of Canada
Ottawa, Ontario

for the applicant

Gervais & Gervais
Montréal, Quebec

for the respondent