

Date: 20081001

Docket: T-416-02

Citation: 2008 FC 1096

BETWEEN:

MICHEL LOLAENGA EDUNGU

Plaintiff

and

MINISTER OF NATIONAL REVENUE

Defendant

ASSESSMENT OF COSTS – REASONS

JOHANNE PARENT, ASSESSMENT OFFICER

[1] On May 7, 2002, the defendant obtained a Court order dismissing the plaintiff's action with costs. Directions were sent to the parties on July 16, 2008, in order to assess the defendant's bill of costs without personal appearance of the parties. The defendant's representatives filed affidavits and written submissions within the prescribed time. Despite the notices served on the plaintiff by registered mail, the directions dated July 16, 2008, and the defendant's affidavit concerning costs, no written submissions or request to extend the time limit to file written submissions were received. The bill of costs will therefore be assessed despite the plaintiff's failure to contest it.

[2] Considering the time that has elapsed between the Court's judgement and the assessment of the bill of costs, the issue of the time limit for costs could have been argued by the parties. However, in the absence of submissions from the opposing party, I will assess the defendant's bill of costs of August 20, 2003, as it appears in the affidavit of Sabrina Esty sworn May 9, 2005, and filed in the Court file on November 15, 2007.

[3] The three units claimed under item 5 for the preparation and filing of the motion to have the action dismissed and the two units claimed under item 27 for the assessment of costs are allowed as requested. The disbursements incurred by the defendant are justified by way of affidavit and deemed reasonable and necessary for the proceeding. They are therefore allowed in the total amount of \$194.78.

[4] The defendant's bill of costs is allowed at \$744.78. A certificate of assessment will be issued for this amount.

"Johanne Parent"
Assessment Officer

Toronto, Ontario
October 1, 2008

Certified true translation
Johanna Kratz

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-416-02

STYLE OF CAUSE: MICHEL LOLAENGA EDUNGU v.
MINISTER OF NATIONAL REVENUE

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES**

PLACE OF ASSESSMENT: TORONTO (ONTARIO)

ASSESSMENT OF COSTS - REASONS: JOHANNE PARENT
ASSESSMENT OFFICER

DATED: OCTOBER 1, 2008

WRITTEN REPRESENTATIONS BY:

No written representations FOR THE PLAINTIFF (representing himself)

Hong Ky (Eric) Luu FOR THE DEFENDANT

SOLICITORS OF RECORD:

MICHEL LOLAENGA EDUNGU
Toronto, Ontario FOR THE PLAINTIFF (representing himself)

John H. Sims, Q.C.
Deputy Attorney General of Canada
Toronto, Ontario FOR THE DEFENDANT