Date: 20090622

Docket: 07-T-49

Citation: 2009 FC 651

[ENLGISH TRANSLATION]

BETWEEN:

DUC DUONG PHAM

Plaintiff

and

ATTORNEY GENERAL OF CANADA

Defendant

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1]   On November 30, 2007, the plaintiff filed a discontinuance of his application for an

extension of time to file a judicial review; the defendant, under Rule 402 of the *Federal Courts*

Rules, is therefore entitled to those costs.

[2]   On March 24, 2009, counsel for the defendant filed a bill of costs and asked that it be

assessed without appearance of the parties. On April 23, 2009, letters were sent to the parties setting

a timeline for filing written submissions. Since I have not received any written submissions to date,

I am now ready to assess the costs based on the documentation on record.

[3]   The plaintiff claims 7 units for item 2 – Statement of claim and counterclaim. It would have

been more appropriate to use item 5 instead of item 2, because item 5 is under heading "B. *Motions*"

of Tariff B. However, I cannot allow this item and the disbursements because there is no Court

order that rules on this motion and the costs thereof under Rule 400(1) of the *Federal Courts Rules*.

[4]   The defendant claims 6 units for assessment (item 26). Since this is neither challenged or

complicated, I will allow 2 units.

[5]   The defendant's bill of costs is allowed and assessed in the amount of $240. A certificate of

assessment will be issued for this amount.

MONTRÉAL, QUEBEC
June 22, 2009

"Diane Perrier"
DIANE PERRIER
ASSESSMENT OFFICER

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: 07-T-49

STYLE OF CAUSE: **DUC DUONG PHAM v. ATTORNEY GENERAL OF CANADA**

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF: DIANE PERRIER, **ASSESSMENT OFFICER**

DATED: June 22, 2009

SOLICITORS OF RECORD

Gerardo Nicolo   FOR THE PLAINTIFF
Laval, Quebec

John Sims, Q.C.   FOR THE DEFENDANT
Deputy Attorney General of Canada
Montréal, Quebec