

Date: 20090522

Docket: T-289-07

Citation: 2009 FC 537

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

BETWEEN:

CLAUDE PLANTE

Applicant

and

LES ENTREPRISES RÉAL CARON LTÉE

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] On November 27, 2007, the Court allowed the applicant's application for judicial review, set aside the adjudicator's January 15, 2007, decision and reinstated the payment order issued by Martine Dingman, Inspector, Canada Human Resources Development, in the amount of \$3,137.86, the whole with costs in favour of the applicant.

[2] On April 3, 2008, the applicant filed his bill of costs alongside the affidavit of Claude Plante and requested that the bill of costs be assessed without appearance of the parties. On September 10,

2008, letters were sent to the parties establishing a timetable for filing written submissions. The parties have filed their written submissions, so I am now ready to assess the bill of costs.

[3] The applicant represented himself, so he is claiming only the disbursements and fees covered under Tariff A. Under Tariff A, the applicant is claiming fees for the notice of application and the requisition for a hearing in the amount of \$100. These fees are allowed under Tariff A because evidence has been filed in the Court record and in exhibit 2 supporting Claude Plante's affidavit.

[4] For photocopy and facsimile fees, the applicant is claiming the amounts of \$175.44 and \$134.44, for a total of \$309.88. However, the parties agree on photocopy costs in the amount of \$167.24, broken down as \$20.16, \$9.30, \$63.34, \$36.24, \$14.40 and \$23.80, which I am allowing because they appear to be reasonable.

[5] The February 8, 2007, invoice for facsimiles in the amount of \$14 is disputed by the respondent because it is impossible to determine to whom the facsimiles were sent and whether they are connected with this case. Therefore, \$7 should be claimed. In his reply, the applicant included evidence that the amount was paid for faxing a 12-page document to the local Québec office. I am allowing the sum of \$10.50, which I consider reasonable in this case.

[6] The respondent objects to the applicant's claim for a photocopy receipt dated March 13, 2007, in the amount of \$10 and another \$10 receipt dated March 16, 2007, because it is impossible to determine that the photocopies are related to this case. Therefore, the amount of \$10 should be

claimed. The applicant objects, because he says the photocopies are related to the case and that is the amount he actually paid. I am of the opinion that the applicant did have to make photocopies but that the evidence is not entirely conclusive, so I will allow the amount of \$16, which equates to 80% of the invoice and which I consider reasonable for this case.

[7] The respondent disputes the two invoices dated March 12, 2007, because the photocopies cost more than \$0.25 each and the invoices are illegible. However, in his reply, the applicant submitted a clearer invoice than the one in his bill of costs. He stated that it is a single bill, which he agrees to reduce to \$14.05. I agree with the applicant that this invoice should be only \$14.05, because the photocopies cost \$0.05 and \$0.10 per page, which I find very reasonable. Therefore, I allow the sum of \$14.05 for those two invoices.

[8] The respondent is disputing the claim for all of the invoices from the municipality of Lambton dated March 26, 2007; February 16, 2007; February 15, 2007 and March 20, 2007, because it is impossible to determine to whom the facsimiles were sent, how many photocopies were made and the cost of the copies. Consequently, the respondent considers it reasonable to claim half the total amount of those invoices, that is, \$20.50.

[9] The applicant disagrees and says that the facsimiles and photocopies are all connected to this case. The amount should therefore remain the same, at \$41. For the facsimiles, the applicant filed evidence that they were sent to the Federal Court Registry in Québec. However, evidence that the photocopies are connected to this case is not as clear. Thus, we still do not know how much the

facsimiles and photocopies cost. That is why I have allowed 75% of the total amount, that is, \$30.75, even though the evidence is limited, knowing full well that the applicant made photocopies and sent facsimiles.

[10] The disbursements for the cost of facsimiles and photocopies are allowed in the total amount of \$238.54.

[11] The applicant is currently claiming \$63.94 for long-distance charges but has agreed to reduce this amount by \$15, for a total of \$48.94. The respondent argues that the long-distance charges should be \$35.58 because it disputes several of the charges. I am of the opinion that the amount should be \$39.15, which is 80% of the amount claimed, which seems reasonable.

[12] As for postage costs, the applicant agrees that the total amount is \$105.58. However, the applicant does not agree with the respondent's argument to remove the amount of \$26.47 because it is apparently from a bank statement rather than an invoice. Based on the evidence submitted by the applicant for the cost of sending registered mail and the proof of service of Claude Plante filed in the Court record on February 22, 2002, I find that the amount of \$26.47 should be allowed. Therefore, postage costs will be allowed in the amount of \$105.58.

[13] The applicant is claiming the amount of \$16 for parking at the judicial review hearing. Since the respondent does not object and this amount appears reasonable, I am allowing the sum of \$16.

[14] I allow the amount of \$125.46 for mileage between Québec and the applicant's residence (306 km x \$0.41) because the parties agree and I consider this amount to be very reasonable.

[13] The applicant's bill of costs totalling \$808.73 is allowed in the amount of \$624.73. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC
May 22, 2009

"Diane Perrier"
DIANE PERRIER
ASSESSMENT OFFICER

**FEDERAL COURT
SOLICITORS OF RECORD**

COURT FILE NO.: T-289-07

Between:

CLAUDE PLANTE

Applicant

and

LES ENTREPRISES RÉAL CARON LTÉE

Respondent

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT:Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: MAY 22, 2009

WRITTEN SUBMISSIONS:

Claude Plante for the applicant

Guy Sirois for the respondent

SOLICITORS OF RECORD:

Guy Sirois
Anjou, Quebec for the respondent