

Federal Court



Cour fédérale

**Date: 20100823**

**Docket: T-2409-03**

**Citation: 2010 FC 832**

**BETWEEN:**

**PIERRE ARCHAMBAULT**

**Applicant**

**and**

**CANADA CUSTOMS AND REVENUE AGENCY**

**Respondent**

**ASSESSMENT OF COSTS – REASONS**

**DIANE PERRIER, ASSESSMENT OFFICER**

[1] This is an assessment of the Respondent's bill of costs further to the February 7, 2005 Federal Court order dismissing the application for judicial review with costs based on Tariff B, Column V.

[2] On June 23, 2010, the Respondent filed its bill of costs and requested that it be assessed without a personal appearance by the parties. On June 30, 2010, a direction was issued setting a timetable for the filing of written submissions. Having received no written submissions from the parties to date, I am now ready to proceed with the assessment on the basis of the documentation in the record.

[3] Counsel fees are allowed in the amount of \$6,857.50 for the following services: Item 2 – Preparation of respondent’s record (13 units), Item 8 – Preparation for an examination, including examinations for discovery, on affidavits, and in aid of execution (11 units), Item 9 – Attending on examinations, per hour (1.5 hrs. x 5 units x \$130), Item 13(a) – Preparation for hearing (11 units), Item 14(a) – Attendance at the hearing of February 2, 2005 from 09:31 to 10:34 (1.05 hrs. x 5 units x \$130) and Item 26 – Assessment of the bill of costs (5 units).

[4] Item 7 – Discovery of documents, including listing, affidavit and inspection, is not allowed because this item is meant to compensate for services rendered under *Federal Courts Rules* section 222 and following, dealing with the discovery of documents in an action, not in a judicial review.

[5] Item 10 – Preparation for conference, including memorandum, is not allowed because this item is meant to compensate for services under *Federal Courts Rules* section 258 and following in the context of an action, not a judicial review.

[6] Item 11 – Attendance at the pre-trial conference of August 4 and August 20, 2004 is not allowed because, as indicated at paragraph 5 of the reasons, it was not a pre-trial conference pursuant to *Federal Courts Rules* section 258 and following. In addition, the August 4 direction setting the pre-trial conference hearing for August 20, 2004 and the August 20 order are silent as to costs. The assessment officer therefore has no jurisdiction to allow this item.

[7] Item 9 – Attending on examinations was allowed as follows: (1.5 hrs. x 5 units x \$130 = \$975), and Item 14(a) – Attendance at the hearing of February 2, 2005 was allowed as follows: (1.05 hrs. x 5 units x \$130 = \$682.50).

[8] Disbursements are allowed in the amount of \$1,427.54. I have allowed the costs for the transcript of the Applicant’s examination on affidavit, the photocopy costs claimed excluding photocopies of the notice of appearance and the costs for service of the supplementary record because these disbursements appear to be reasonable and necessary for the conduct of the matter and are supported by affidavit. I did not allow the costs for photocopies and service of the notice of appearance because the notice of appearance is not listed as an item in the Tariff B table. Costs for service of the August 19, 2004 letter were not allowed because this document is not listed as an item in the Tariff B table.

[9] The Respondent’s bill of costs submitted in the amount of \$13,713.54 is assessed and is allowed in the amount of \$8,285.04. A certificate of assessment will be issued for that amount.

MONTRÉAL, QUEBEC  
August 23, 2010

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“Diane Perrier”  
DIANE PERRIER  
ASSESSMENT OFFICER

**FEDERAL COURT**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** T-2409-03

**STYLE OF CAUSE:** PIERRE ARCHAMBAULT  
v. CANADA CUSTOMS AND REVENUE AGENCY

**ASSESSMENT OF COSTS IN WRITING**

**PLACE OF ASSESSMENT:** Montréal, Quebec

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

**DATE OF REASONS:** August 23, 2010

**NAMES OF COUNSEL AND SOLICITORS OF RECORD:**

Myles J. Kirvan  
Deputy Attorney General of Canada  
Montréal, Quebec

FOR THE RESPONDENT