



T-1891-88

BETWEEN:

GUILLAUME KIBALE,

Plaintiff,

and

HER MAJESTY THE QUEEN,

Defendant.

REASONS FOR ORDER

LUTFY J.

The plaintiff was ordered to pay \$1,418.75 under the provisions of paragraph 2(1)(b) of Tariff A of the Federal Court Rules and the order of Pinard J. dated September 30, 1994. In this motion he is seeking a refund of the payment he made.

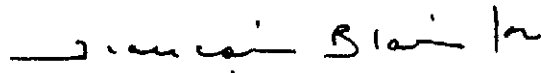
Rule 1618 provides that no costs shall be payable in respect of an application for judicial review unless the Court, for special reasons, so orders. The proceeding in *Kibale v. Canada (Department of Transport)*, [1988] 2 F.C. F-29, 90 N.R. 1, was an application for judicial review. The fact that no costs were awarded in that case has no relevance in this motion.

Notwithstanding the sympathy that one may feel with respect to the financial situation described by the plaintiff, I find no reason for which I could grant him the relief he is seeking.

Alain Lutfy
Judge

Ottawa, Ontario
April 22, 1997

Certified true translation



C. Delon, L.L.L.

FEDERAL COURT OF CANADA
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO: T-1891-88

STYLE OF CAUSE: Guillaume Kibale v. Her Majesty the Queen

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: April 2, 1997

REASONS FOR ORDER: Lutfy J.

DATED: April 22, 1997

APPEARANCES:

Guillaume Kibale FOR THE PLAINTIFF

Alain Préfontaine FOR THE DEFENDANT

SOLICITORS OF RECORD:

George Thomson FOR THE DEFENDANT
Deputy Attorney General of Canada