

Federal Court



Cour fédérale

**Date: 20231117**

**Docket: T-836-17**

**Citation: 2023 FC 1514**

**BETWEEN:**

**CANADIAN MARITIME ENGINEERING  
LTD., A BODY CORPORATE**

**Plaintiff**

**and**

**IONADA INCORPORATED,  
A BODY CORPORATE**

**Defendant**

**REASONS FOR ASSESSMENT**

**Stéphanie St-Pierre Babin, Assessment Officer**

I. Background

[1] By way of Order dated June 22, 2023, the Court granted the Plaintiff's interlocutory motion to compel answers and attendance for examination in aid of execution filed on November 10, 2022, and provided the following instructions as to costs:

6. Costs on this motion are awarded to the Plaintiff and are fixed in the middle of Column III of Tariff B.

[2] Following this Order, the Plaintiff filed its Bill of Costs on June 30, 2023. Consequently, a direction providing the parties with the deadlines to file their written representations was issued on July 5, 2023. As the time limits have now expired, the court record shows that neither party filed written representations with regard to the assessment of costs.

[3] The absence of representations by both parties results in the Plaintiff's Bill of costs being unopposed. In such cases, my duty as an assessment officer is to consider the Bill of Costs to ensure it complies with the procedural steps followed in the proceeding, the Rules and the applicable jurisprudence, without stepping away from my position of neutrality (*Dahl v Canada*, 2007 FC 194, at para 2).

[4] Having read the case law regarding Bills of Costs filed at the interlocutory stage of a matter, I conclude that I cannot proceed with the assessment of costs at this point. In fact, the Federal Court consistently held that costs awarded on an interlocutory motion are not payable until the conclusion of a trial unless the Court specifically orders that costs are payable forthwith (*Buck v Canada (Attorney General)*, 2022 FC 352, paras 16–17; *John Stagliano, Inc v Elmaleh*, 2006 FC 1096, para 8; *Waterfurnace Inc v 803943 Ontario Ltd*, [1991] FCJ No 912). In so doing, this principle prevents a “multiplicity of assessments in the course of an action” (*Nature's Path Foods Inc v Country Fresh Enterprises Inc*, [1999] FCJ No 827, para 3).

[5] In the absence of specific directions from the Court awarding costs to be payable forthwith in the Order dated June 22, 2023, I am of the opinion that the assessment of the Plaintiff's Bill of Costs is premature and will not take place at this stage of the proceedings.

“Stéphanie St-Pierre Babin”

Assessment Officer

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-836-17

**STYLE OF CAUSE:** CANADIAN MARITIME ENGINEERING LTD., A  
BODY CORPORATE v. IONADA  
INCORPORATED, A BODY CORPORATE

**MATTER CONSIDERED AT OTTAWA, ONTARIO WITHOUT PERSONAL  
APPEARANCE OF THE PARTIES**

**REASONS FOR ASSESSMENT  
BY:** STÉPHANIE ST-PIERRE BABIN, Assessment  
Officer

**DATED:** NOVEMBER 17, 2023

**WRITTEN SUBMISSIONS BY:**

Brendan D. Peters

FOR THE PLAINTIFF

N/A

FOR THE DEFENDANT

**SOLICITORS OF RECORD:**

Stewart McKelvey  
Barristers and Solicitors  
Halifax, Nova Scotia

FOR THE PLAINTIFF