

**Date: 20080508**

**Docket: T-360-05**

**Citation: 2008 FC 590**

**BETWEEN:**

**JACQUES ROY**

**Applicant**

**and**

**LAWRENCE POITRAS**

**Respondent**

**and**

**SYLVIE LAPERRIÈRE**

**Respondent**

**ASSESSMENT OF COSTS – REASONS**

**DIANE PERRIER, ASSESSMENT OFFICER**

[1] This is an assessment of two of the applicant's bills of costs following a judgment of the Court rendered on November 17, 2006, allowing with costs the application for judicial review, and an order issued by the Court on March 8, 2005, granting with costs the applicant's motion to amend. At the request of the applicant, the assessment was based on the written submissions of the parties.

[2] Having reviewed the written submissions and pursuant to the order dated March 8, 2005, granting with costs the motion to amend, the assessable fees are allowed in the amount of \$900. I allowed item 5 – preparation of the motion for permission to amend, March 3, 2005 (4 units), item 6 – appearance on a motion on March 8, 2005, 0.25 hours x 2 units = (0.5 units), item 25 – services after judgment (1 unit) and item 26 – assessment of costs (2 units). I think 4 units should be allowed for the preparation of the motion for permission to amend and not 5 units as requested by the applicant, given that, in my opinion, this type of motion is generally not very complicated, and the oral representations lasted 10 minutes. At the respondents' suggestion and with the applicant's consent, item 6 was adjusted to 0.5 units because there had been a calculation error. I allowed 2 units for the assessment of costs because it is not very complicated.

[3] With respect to the assessment of the applicant's bill of costs pursuant to the order dated November 17, 2006, allowing with costs the application for judicial review, fees are allowed in the amount of \$3,045. I allowed the following items: item 1 – preparation of the originating document (6 units), item 13(a) – counsel fee, preparation for hearing 4 units  $\div$  2 = 2 units because files T-402-05 and T-360-05 were heard simultaneously, item 14(a) – appearance at hearing (9.25 hours x 3 units  $\div$  2 files = 13.875 units), item 25 – services after judgment (1 unit  $\div$  2 = 0.5 units) and item 26 – assessment of costs (3 units). Item 3 – amendment of documents necessitated by a new or amended originating document, pleading, notice or affidavit or another party – was not allowed because, as mentioned by the respondents in their representations, the only pleading they filed in this case was the notice of appearance. This does not constitute an originating document requiring a response by the applicant. I amended items 13(a), 14(a) and 25 at the

respondents' suggestion and with the applicant's consent, given that the two files (T-360-05 and T-402-05) were heard simultaneously.

[4] The disbursements in the amount of \$606.40 for the filing of the notice of application and the notice of amended application, the costs of printing the statement of fact and law, the costs of printing the book of authorities, the costs of consulting legal databases, transportation expenses and bailiff fees are allowed as requested because they are established by affidavit and seem reasonable to me.

[5] The applicant's bill of costs pursuant to the order dated March 8, 2005, is awarded in the amount of \$900. A certificate will be issued in that amount. The applicant's bill of costs pursuant to the order dated November 17, 2006, allowing with costs the application for judicial review, is awarded in the amount of \$3,651.53. A certificate will be issued in the file in that amount.

Québec, Quebec  
May 8, 2008

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DIANE PERRIER  
ASSESSMENT OFFICER

Certified true translation

Francie Gow, BCL, LLB

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

**DOCKET:** T-360-05

**STYLE OF CAUSE:** JACQUES ROY v. LAWRENCE POITRAS and  
SYLVIE LAPERRIÈRE

**ASSESSMENT OF BILL OF COSTS WITHOUT APPEARANCE BY PARTIES**

**REASONS OF ASSESSMENT OFFICER DIANE PERRIER**

**DATE OF REASONS:** May 8, 2008

**WRITTEN SUBMISSIONS:**

Jean-Philippe Gervais

FOR THE APPLICANT

Bernard Letarte

FOR THE RESPONDENTS

**SOLICITORS OF RECORD:**

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FOR THE APPLICANT

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FOR THE RESPONDENTS