

Date: 20080903

Docket: T-190-05

Citation: 2008 FC 987

BETWEEN:

PAUL RICHARDS

Applicant

and

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

ASSESSMENT OF COSTS - REASONS

Johanne Parent
Assessment Officer

[1] The application for judicial review of a decision of the Canadian Human Rights Commission, dated December 29, 2004, was dismissed with costs in favour of the respondent by the Honourable Mr. Justice Teitelbaum on October 25, 2007. A timetable for written disposition of the assessment of the respondent's bill of costs was issued by the Senior Assessment Officer on June 13, 2008.

[2] Under Tariff B of the *Federal Courts Rules*, the respondent claims as assessable services four units for the preparation and filing of responding materials to the main application (Item 2). This item is not contested and will be assessed as claimed.

[3] With regard to Items 5 and 6 for response and appearance on motions, the Court orders of March 23, 2006 and January 11, 2007 are silent as to costs. In *Janssen-Ortho Inc. and Daiichi Pharmaceutical Co., Ltd v. Novopharm Limited*, 2006 FC 1333, the Court determined that, “any pre-trial order that is silent as to costs means that no costs have been awarded to any party”. Consequently, items 5 and 6 are not allowed.

[4] The number of units claimed for counsel fees under Items 13 (a) and (b) and 14(a) was not contested by the applicant and will be allowed as claimed. Under Item 14(a), the number of hours in Court has been adjusted to reflect the Court’s record.

[5] Item 15 will not be allowed as it refers to “Preparation and filing of written arguments, where requested or permitted by the Court” at the Trial or Hearing - sub-heading E of the Table of Assessable Services of the *Federal Courts Rules*. I do not think that the respondent’s response to the notice of status review constitutes a document filed during or at the hearing.

[6] The disbursements as substantiated in the affidavit of Nadine Longe sworn June 27, 2008 were all charges necessary to the conduct of this matter and not contested by the applicant. The amounts are reasonable and are, therefore, allowed.

[7] The bill of costs is allowed at \$3,998.44 plus GST on assessable services (\$226.80) for a total amount of \$4,225.24.

“Johanne Parent”
Assessment Officer

Toronto, Ontario
September 3, 2008

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-190-05

STYLE OF CAUSE: *PAUL RICHARDS v. MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS*

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES**

REASONS FOR ASSESSMENT OF COSTS: JOHANNE PARENT

DATED: SEPTEMBER 3, 2008

WRITTEN REPRESENTATIONS:

Marie Chen FOR THE APPLICANT

Gillian A. Patterson FOR THE RESPONDENT

SOLICITORS OF RECORD:

African Canadian Legal Clinic FOR THE APPLICANT
Toronto, ON

John H. Sims, Q.C. FOR THE RESPONDENT
Deputy Attorney General of Canada
Toronto, ON