

Date: 20090220

Docket: T-1721-06

Citation: 2009 FC 185

BETWEEN:

BERNARD DESROSIERS

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

[ENGLISH TRANSLATION]

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of the respondent's bill of costs further to the order of the Federal Court issued on July 24, 2007, dismissing with costs the application for judicial review.

[2] On September 17, 2008, counsel for the respondent submitted the bill of costs accompanied by the affidavit from Claude Rochon and exhibits "A" and "B" and requested that costs be assessed without appearance of the parties. It was noted that the letter from counsel for the respondent requesting the assessment of costs without appearance of the parties had been sent to Bernard

Desrosiers and not to counsel for the applicant. On October 27, 2008, letters were sent to counsel for the applicant, to the applicant and to counsel for the respondent setting a timeline for filing written submissions. On December 1, 2008, the letter that had been sent by registered mail to Mr. Desrosiers was returned to us unclaimed. Not having received any written submissions from the parties to date, I am now ready to assess the costs based on the documentation in the docket.

[3] The respondent seeks the following fees: item 2 – preparation and filing of the respondent’s record (7 units), item 13(a) – preparation for hearing (5 units), item 14(a) – legal fees, hearing of 2 hours 20 minutes on June 7, 2007 (3 units) and item 26 – assessment of costs (6 units).

[4] The respondent seeks the maximum number of units for all fees claimed. I consequently considered the factors listed in subsection 400(3) of the *Federal Courts Rules* and then adjusted the items to what I found reasonable in this type of case. I amended item 2 – preparation and filing of the respondent’s record (5 units) and item 13(a) – preparation for hearing (3 units). Item 26 – assessment of costs has been allowed 2 units since I find the assessment to be neither complex nor contested. The fees to be assessed are allowed in the amount of \$2,040.

[5] Disbursements are allowed in the amount of \$703.34. I disallowed the photocopies and filing of the notice of appearance, as this document is not mentioned under the services to be assessed in Tariff B.

[6] The applicant's bill of costs totalling \$3,713.82 is assessed and allowed in the amount of \$2,743.34. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC
February 20, 2009

DIANE PERRIER
ASSESSMENT OFFICER

**FEDERAL COURT
SOLICITORS OF RECORD**

COURT FILE NO.: T-1721-06

BETWEEN:

BERNARD DESROSIERS

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: February 20, 2009

SOLICITORS OF RECORD:

Frédéric St-Jean
Québec, Quebec

for the applicant

John Sims
Deputy Attorney General of Canada
Ottawa, Ontario

for the respondent