

Federal Court



Cour fédérale

Date: 20090824

Docket: T-1096-08

Citation: 2009 FC 840

[ENGLISH TRANSLATION]

BETWEEN:

DJILALI BENHAOUA

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is the assessment in writing of costs due to the respondent following the two orders. The first, issued by Prothonotary Morneau on August 29, 2008, strikes the applicant's action and dismisses his action with costs. The second order, issued on September 29, 2008 by Pinard J., dismisses with costs the applicants motion to appeal the decision in the order on August 29, 2008.

[2] In response to the written representations from the applicant, I must note that, under Rule 400 of the *Federal Court Rules*, on the Court has authority to allow costs. The assessment

officer cannot amend an order issued by a judge or a prothonotary. The assessment officer's role is limited to setting the amount of costs when the Court has awarded them to a party.

[3] In the bill of costs, the respondent is seeking the following fees:

- Item 5 (7 units) for filing the respondent's motion record on July 20, 2008
- Item 5 (7 units) for filing the respondent's response record on September 10, 2008
- Item 26 (6 units) for the assessment of costs

[4] Counsel fees are allowed in the amount of \$1,690. The respondent is seeking the maximum units for each of the items claimed. On reading the record and considering Rule 400(3) of the *Federal Court Rules*, I have allowed 5 units for filing the motion record on July 30, 2008 and have allowed 5 units for filing the respondent's response record on September 10, 2008. AS for item 26 – assessment of costs, I find that 3 units represents reasonable compensation in this case. On April 1, 2009, the value of the unit was amended from \$120 to \$130. I have reflected this in the calculation of fees.

[5] Disbursements for photocopies and bailiff fees are allowed in the amount of \$136.17, as they seem reasonable and necessary for the proper conduct of the case.

[6] The respondent's bill of costs submitted at \$2,536.17 is assessed and allowed in the amount of \$1,826.17. A certificate of assessment will be issued in that amount.

MONTRÉAL, QUEBEC
August 24, 2009

“Diane Perrier”

DIANE PERRIER
ASSESSMENT OFFICER

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1096-08

STYLE OF CAUSE: DJILALI BENHAOUA v. HER MAJESTY THE
QUEEN

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT: Montréal, Quebec

ASSESSMENT OF COSTS – REASONS: DIANE PERRIER,
ASSESSMENT OFFICER

DATED: August 24,2009

WRITTEN REPRESENTATIONS:

Djilali Benhaoua FOR THE APPLICANT
Montréal, Quebec (himself)

Liliane Bruneau FOR THE RESPONDENT

SOLICITORS OF RECORD:

John H. Sims, QC FOR THE RESPONDENT
Deputy Attorney General of Canada
Montréal, Quebec