

Federal Court



Cour fédérale

Date: 20091026

Docket: T-899-01

Citation: 2009 FC 1086

BETWEEN:

JACQUES NAULT

Applicant

and

**PUBLIC SERVICE COMMISSION
OF CANADA, RECOURSE DIVISION**

and

**MINISTRY OF PUBLIC WORKS
AND GOVERNMENT SERVICES**

Respondents

[ENGLISH TRANSLATION]

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] On November 5, 2002, the Federal Court dismissed the application for judicial review of a decision by Philippe Rabot, Investigator, made on April 17, 2001, with costs.

[2] On January 16, 2003, counsel for the respondents submitted the bill of costs accompanied by the affidavit of Lyne Lasalle and requested that costs be assessed in writing. Letters were sent to

the parties establishing a timetable for filing written submissions. On June 17, 2003, the respondent requested that we wait for the outcome of the appeal before assessing the bill of costs. On June 2, 2009, the applicant asked us to proceed with the assessment of the bill of costs. On June 11, 2009, new letters were sent to the parties establishing a timetable for filing written submissions. After the Registry received the applicant's envelope by registered mail stating that it was unclaimed, we sent letters to the parties again by regular mail, establishing a new timetable for filing written submissions. Having not received any written submissions to date, I am now ready to assess the costs based on the documentation on file.

[3] The respondents are claiming the following counsel fees: item 2 – preparation and filing of the respondents' record (5 units), item 5 – preparation and filing of a contested motion, including materials and responses thereto (5 units), item 6 – appearance on a motion, per hour (2 units x 0.75 hours), item 13(a) – counsel fees: preparation for hearing (4 units), item 14(a) – counsel fees: appearance at hearing, per hour (2 units x 0.5 hours), item 15 – preparation and filing of written argument, where requested by the Court (5 units), item 25 – services after judgment (1 unit), item 26 (4 units) and item 27 – appearance – such other services as may be allowed by the assessment officer (1 unit).

[4] I have allowed all of the fees claimed except for item 26, where I allowed 2 units because the assessment is simple and not disputed. I disallowed item 27 for the notice of appearance because it is not mentioned in Tariff B under fees to be assessed. The respondents' counsel fees are therefore allowed in the amount of \$2,695.

[5] Disbursements in the amount of \$878.38 are all allowed because they appear to be reasonable and are proven by affidavit.

[6] The respondents' bill of costs totalling \$3,903.38 is assessed and allowed in the amount of \$3,573.38. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC
October 26, 2009

“Diane Perrier”
DIANE PERRIER
ASSESSMENT OFFICER

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-899-01

STYLE OF CAUSE: JACQUES NAULT v. PUBLIC SERVICE COMMISSION
OF CANADA ET AL.

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

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: October 26, 2009

SOLICITORS OF RECORD:

John H. Sims, Q.C.
Deputy Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENTS