

Federal Court



Cour fédérale

Date: 20101001

Docket: T-1445-09

Citation: 2010 FC 982

[ENGLISH TRANSLATION]

BETWEEN:

PETER RANDOLPH STUART

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is the assessment of the respondent's bill of costs following the judgment on June 29, 2010 by the Federal Court, dismissing the applicant's application for judicial review with costs.

[2] On September 1, 2010, the respondent filed his bill of costs and requested that the assessment be disposed of in writing. On September 2, 2010, an instruction was sent, setting a schedule for the filing of the parties' written representations. To this day, having received no written representations from the parties, I am now ready to proceed with the assessment of bill of costs according to the documents on record.

[3] The respondent claims the following fees: item 2 – respondent’s case preparation (7 units), item 13 a) – preparation for hearing – (5 units), item 14 a) – counsel fee: to first counsel, per hour in Court (3 units x 3.42 hours), and item 26 – assessment of costs (6 units).

[4] The respondent claims the maximum units for each fee claimed. I have considered all the facts stated in subsection 400(3) of the *Federal Court Rules* in order to adjust the counsel fees, in a reasonable fashion, according to the case type. So, I have modified item 2 – respondent’s case preparation (5 units), item 14 a) – counsel fee to first counsel, per hour in Court (3 units x 3.42 hours x \$130 = \$1,333.80. As for item 26 – assessment fees, this was allowed for 2 units, since the assessment does not seem complex nor contested. The assessed fees are allowed in the amount of \$2,893.80.

[5] The disbursements are allowed in the amount of \$70.75 for the respondent’s case photocopies and courier charges for the respondent’s case, since these seem reasonable and necessary to me for the conduct of the case. I have not allowed the photocopies for the notice of appearance in the amount of \$2.00, since the case is not mentioned under any fees to be assessed in the Tariff B table.

[6] The respondent’s bill of costs, presented at \$3,745.25, is assessed and allowed in the amount of \$2,964.55. An assessment certificate will be issued for this amount.

MONTRÉAL, QUEBEC
October 1, 2010

“Diane Perrier”

DIANE PERRIER
ASSESSMENT OFFICER

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1445-09

STYLE OF CAUSE: PETER RANDOLPH STUART
v. ATTORNEY GENERAL OF
CANADA

ASSESSMENT OF COSTS IN WRITING

PLACE OF HEARING: Montréal, Quebec

ASSESSMENT OF COSTS REASONS: DIANE PERRIER
ASSESSMENT OFFICER

DATED: October 1, 2010

APPEARANCES:

Michel Aubin
Montréal, Quebec

FOR THE APPLICANT

Myles J. Kirvan
Deputy Attorney General of Canada
Montréal, Quebec

FOR THE RESPONDENT