

Date: 20080307

Docket: T-75-04

Citation: 2008 FC 323

BETWEEN:

SAM LÉVY & ASSOCIÉS INC.

and

SAMUEL S. LÉVY, trustee

Applicants

and

MARC MAYRAND

and

ATTORNEY GENERAL OF CANADA

Respondents

and

MICHEL LEDUC

Interested party

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of the respondents' bill of costs pursuant to the order made on May 16, 2005 dismissing the application for judicial review with costs.

[2] On January 18, 2007, counsel for the respondents filed their bill of costs and asked that it be assessed without an appearance by the parties. On November 6, 2007, we sent letters to the parties setting a schedule for the filing of their submissions. The parties have submitted their written submissions. I am now prepared to assess the costs based on the documentation in the record.

[3] The assessable fees are awarded in the amount of \$4,980. The assessable services are awarded as follows: item 2 – preparation and filing of respondent's record (5 units), item 6 – appearance on a motion on January 19, 2005 (1.75 hours x 2 units ÷ 2) (dockets T-75-04 and T-547-04), item 13(a) – counsel fees: preparation for hearing (4 units ÷ 2) (dockets T-75-04 and T-547-04), item 14(a) – counsel fees for appearance at hearing on March 8, 9, 10 and 11, 2008 (19.5 hours x 3 units ÷ 2) (dockets T-75-04 and T-547-04), item 25 – services after judgment (1 unit ÷ 2) (dockets T-75-04 and T-547-04) and item 26 – assessment of bill of costs (3 units). I agree with the parties that the amount of \$4,980 was already allowed in case T-547-04, and this same amount should be allowed in the instant case since these cases were heard at the same time and the respondents claimed half the costs for the same items in the other case.

[4] In accordance with section 2 of Tariff A, the amount of \$150 is claimed for a hearing lasting more than three days, but as requested by the respondents I have allowed the sum of \$75 since the following two cases were heard at the same time (T-75-04 and T-547-04) and half the amount was claimed in case T-547-04.

[5] Disbursements will be allowed as follows: \$380.34 for printing, \$131.02 to consult a case law data base, \$818.24 for travel and accommodation costs and \$89.35 for costs of bailiff service, making a total of \$1,329.60.

[6] The printing costs are allowed in the amount of \$380.34. The bill for \$109.66 has been allowed as it involves the reproduction of three copies of Michel Leduc's affidavit. The bill for \$36.47 was also allowed since it seems reasonable for a fourth copy of Michel Leduc's affidavit to have been made. The bill for \$234.21 will be allowed for reproduction of the respondents' record. However, I consider as the respondent indicated that the other bills of \$57.68, \$77.60 and \$95.48 cannot be allowed since they correspond to a reproduction of various proceedings for administrative purposes, and not photocopies required for the Court record.

[7] Travel and accommodation costs will be allowed in the amount of \$818.24, since what the applicant is disputing is incidental expenses paid to the public servant in a travel situation. It seems reasonable to award these since the per diem amount allowed for meals is still quite reasonable and is in accordance with the travel directive of the Treasury Board Secretariat. However, I did not allow the sum of \$8 paid for counsel's parking at his office, since this is an office operating expense, not a travel expense.

[8] The costs for consulting a case law data base in the amount of \$131.02 are allowed as such, as well as the costs of bailiff service in the amount of \$89.35, since they are proven by counsel's affidavit and the accompanying documents.

[9] The respondents' bill of costs submitted as \$7,612.71 is allowed in the amount of \$6,384.60. A certificate of assessment will be issued for this amount.

"Diane Perrier"

DIANE PERRIER
ASSESSMENT OFFICER

QUÉBEC, QUEBEC, March 7, 2008

Certified true translation

Brian McCordick, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-75-04

STYLE OF CAUSE: SAM LÉVY & ASSOCIÉS INC. and
SAMUEL S. LÉVY, TRUSTEE and
MARC MAYRAND and
ATTORNEY GENERAL OF
CANADA and MICHEL LEDUC

ASSESSMENT OF BILL OF COSTS WITHOUT APPEARANCE BY PARTIES

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: March 7, 2008

WRITTEN SUBMISSIONS:

Jean-Philippe Gervais	FOR THE APPLICANTS
Bernard Letarte	FOR THE RESPONDENTS

SOLICITORS OF RECORD:

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