

Date: 20030423

Docket: 02-T-53

Between:

DOMINIQUE LAUNIÈRE

Applicant

and

CONSEIL DES MONTAGNAIS DU LAC-ST-JEAN

Respondent

CERTIFICATE OF ASSESSMENT OF COSTS

I hereby certify that the costs of the respondent in this case, Conseil des Montagnais du Lac-St-Jean, have been assessed and allowed in the amount of \$1,624.64.

“Diane Perrier”
Assessment Officer

QUÉBEC, QUEBEC
April 23, 2003

Certified true translation

Suzanne Gauthier, C. Tr., L.L.L.

Date: 20030423

Docket: 02-T-53

Neutral Citation: 2003 FCT 501

BETWEEN:

DOMINIQUE LAUNIÈRE

Applicant

and

CONSEIL DES MONTAGNAIS DU LAC-ST-JEAN

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] On October 25, 2002, the Honourable Mr. Justice Pinard dismissed a motion for extension of the time in which to file an application for judicial review, with costs.

[2] On March 10, 2003, Benoît Amyot, counsel for the respondent, filed a bill of costs and asked that it be assessed without personal appearance of the parties. On March 31, 2003, we received from Frédéric Boily, counsel for the applicant, an opposition to the respondent's bill of costs.

The respondent claims the following fees in its bill of costs:

Item	Description	Number of units
2	Preparation and filing of reply to the motion for extension of time	7
6	Appearance on the motion, 2 hours	3
13(a)	Counsel fees: Preparation for hearing and correspondence	5
14(a)	Counsel fees on hearing of the motion	3
24	Travel by counsel, return trip between Roberval and Québec for hearing of the motion	5
25	Services after judgment	1
26	Assessment of costs	6
SUB-TOTAL	(24 UNITS + (6 UNITS X 2 HOURS)) \$110	\$ 3,960.00
GST of 7%		\$277.20
QST of 7.5%		\$317.79
TOTAL COSTS		\$4,554.99

The respondent claims disbursements in the amount of \$480.83 for service of documents, photocopy costs and travel costs to Québec for the hearing.

[3] The applicant argues that the number of units claimed by the respondent is exaggerated and that the assessment officer should instead allow four units for item 2, two units for item 13(a), two units for item 14(a) and 1 hour for the hearing, as well as two units for item 26. According to the applicant, the units claimed under item 6 for the appearance on the motion should not be allowed separately and he also states that the two hours claimed are exaggerated. He explains that the two hours claimed in item 14(a) for the hearing of the motion are

exaggerated because the hearing lasted barely one hour. He says that item 24 should not be allowed since this item is at the Court's discretion. He further notes that the order of Mr. Justice Pinard does not refer to it. The number of units provided under item 25 for services after judgment are not justified in the respondent's bill of costs.

[4] I am of the opinion that the use of item 5 instead of item 2 would have been more appropriate for the preparation and filing of a reply to the motion for extension of time. Given that the number of units prescribed in column III is three to seven rather than four to seven, I would therefore allow four units for item 5.

[5] I am also of the opinion that the appearance at the hearing of the motion under item 6 should be allowed since the hearing occurred on October 10, 2002, in Québec and it lasted only 31 minutes. So I will allow two units for this item.

[6] However, items 13(a) and 14(a) will not be allowed since there was only the hearing of the motion in the file.

[7] I agree with the applicant that item 24 cannot be allowed since this item is at the Court's discretion and, moreover, the order of Mr. Justice Pinard does not mention it.

[8] As to services after judgment under item 25, the applicant alleges that the number of units provided are not justified in the respondent's bill of costs. The respondent need not justify this item since the assessment officer assumes that following the judgment of the Court a party

may claim certain expenses in relation to the various communications with the client. So I will allow one unit for item 25.

[9] Concerning item 26, the applicant states that the assessment officer should allow only two units while the respondent is claiming six. Given that the case proceeded without personal appearance, I will allow three units, which I think is reasonable in the circumstances.

[10] Consequently, the total costs for the respondent will therefore be \$1,143.81 (\$994.40 + taxes).

[11] As to the disbursements claimed by the respondent, the applicant alleges that they are exaggerated and that the travel costs cannot be allowed since they are at the discretion of the Court.

[12] Contrary to the applicant's allegations, the disbursements are allowed as requested since under Tariff B1(4) these seem reasonable to me and they are established by the affidavit of Mr. Benoît Amyot with supporting documentation. The disbursements are therefore allowed in the amount of \$480.83.

[13] The costs in favour of the respondent will therefore be assessed in the amount of \$1,624.64. A certificate shall issue for that amount.

“Diane Perrier”

Assessment Officer

QUÉBEC, QUEBEC
April 23, 2003

Certified true translation

Suzanne Gauthier, C. Tr., LL.L.

FEDERAL COURT OF CANADA
TRIAL DIVISION

Date: 20030423

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ASSESSMENT OF COSTS - REASONS

FEDERAL COURT OF CANADA
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CERTIFICATE OF ASSESSMENT OF COSTS

FEDERAL COURT OF CANADA
TRIAL DIVISION

SOLICITORS OF RECORD

DOCKET: 02-T-53

STYLE: DOMINIQUE LAUNIÈRE

Applicant

and

CONSEIL DES MONTAGNAIS DU LAC-ST-JEAN

Respondent

ASSESSMENT OF COSTS WITHOUT PERSONAL APPEARANCE

PLACE OF ASSESSMENT: Québec, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: April 23, 2003

SOLICITORS OF RECORD:

Bouchard, Voyer, Boily, Advocates
Bolbeau-Mistassini, Quebec

for the applicant

Cain Lamarre Casgrain Wells
Roberval, Quebec

for the respondent