

Date: 20081126

Docket: T-308-06

Citation: 2008 FC 1293

[ENGLISH TRANSLATION]

BETWEEN:

**STÉPHANE CHAGNON
RÉMI TÉTRAULT
9100-7492 QUÉBEC INC.
9122-5151 QUÉBEC INC.**

Applicants

and

**MARCO CASTURA
DENIS LAFLEUR
PIERRE ROCHON**

Respondents

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] On September 6, 2007, when this case was appealed, the applicants were not present or represented, and the Court dismissed with costs the application for judicial review of a decision pursuant to section 251-12 of the *Canada Labour Code* that arbitrator Pierre Beetz had rendered on January 14, 2006.

[2] On December 6, 2007, counsel for the respondent, Pierre Rochon, filed his bill of costs and requested that he be assessed without appearance by the parties. On September 5, 2008, letters were sent to the parties notifying them of a timeline for filing written submissions. On September 24, 2008, Martin Pichette, counsel for the applicant, Stéphane Chagnon, again provided us with confirmation that he no longer had the mandate to represent Stéphane Chagnon. I then contacted Mr. Chagnon, who asked me to send the bill of costs assessment documents to Raymond Chabot Inc., who was handling his case. On October 2, 2008, I sent the parties a second letter setting a timetable for filing written submissions. Not having received any written submissions from the parties to date, I am now ready to assess the costs based on the documentation in the docket.

[3] The respondent claims the following fees:

- Originating documents and other pleadings – preparation and filing of respondents’ documents (6 units);
- Motions – Amendment of documents, where the amendment is necessitated by a new or amended originating document, pleading, notice or affidavit of another party (5 units);
- Pre-Trial and Pre-Hearing Procedures – counsel fees: preparation for trial or hearing, whether or not the trial or hearing proceeds (3 units);
- Trial or Hearing – (a) Counsel fee: to first counsel, per hour in Court (3 units);
- Miscellaneous – Travel by counsel to attend a trial, hearing, motion, examination or analogous procedure, at the discretion of the Court (1 unit), assessment of costs (2 units) and photocopies (\$175).

[4] I awarded the fees of the respondent, Pierre Rochon, to be assessed, in the amount of \$1,384.80. I awarded the following items based on the corresponding items in Tariff B requested by the respondent: Section 2 – Preparation of respondents’ documents (6 units), Section 13(a) – Counsel fee: preparation for trial or hearing, whether or not the trial or hearing proceeds (3 units), Section 14(a) – Counsel fee: to first counsel, per hour in Court (3 units x 0.18 min) and Section 26 – Assessment of costs (2 units).

[5] I did not allow what appears to me to be a request made under Section 3 – Amendment of documents, where the amendment is necessitated by a new or amended originating document, pleading, notice or affidavit of another party – because after having read the docket entries, I did not find any such documents filed for this purpose. Also, the order of the Court dated August 2, 2006, which may be close to what the respondent is claiming, is silent as to costs. I amended section 14(a) based on the length of the September 6, 2007, hearing which, according to the minutes of the hearing, lasted from 9:50 a.m. to 10:01 a.m., i.e., 11 minutes. I denied the request made under section 24 – Travel by counsel to attend a trial, hearing, motion, examination or analogous procedure, at the discretion of the Court, because there is no Court order awarding this section.

[6] I awarded disbursements in the amount of \$175 for photocopies because they appear to me to be reasonable given the respondent’s record and Pierre Rochon’s affidavit.

[7] The \$2,215 bill of costs of the respondent, Pierre Rochon, is assessed and awarded in the amount of \$1,559.80. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC
November 26, 2008

DIANE PERRIER
ASSESSMENT OFFICER

**FEDERAL COURT
SOLICITORS OF RECORD**

COURT FILE NO.: T-308-06

Between:

**STÉPHANE CHAGNON
RÉMI TÉTRAULT
9100-7492 QUÉBEC INC.
9122-5151 QUÉBEC INC.**

Applicants

and

**MARCO CASTURA
DENIS LAFLEUR
PIERRE ROCHON**

Respondents

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: November 26, 2008

COUNSEL OF RECORD:

Lavery, De Billy
Montréal, Quebec

For the applicant

Roy, Laporte, Sylvestre
Joliette, Quebec

For Pierre Rochon, respondent