

Federal Court

Cour fédérale

**Date: 20100730**

**Docket: T-1971-09**

**Citation: 2010 FC 791**

[ENGLISH TRANSLATION]

**BETWEEN:**

**JEAN-FRANÇOIS TURMEL**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**ASSESSMENT OF COSTS – REASONS**

**DIANE PERRIER, ASSESSMENT OFFICER**

[1] On February 5, 2010, Prothonotary Morneau allowed the respondent's motion and ordered that the application be struck in its entirety, without leave to amend, with costs.

[2] On May 18, 2010, counsel for the respondent filed a bill of costs and requested that it be assessed without appearance of the parties. On May 21, 2010, a direction was issued, setting a deadline for filing written representations. The parties filed their written representations within the time allowed. I am now ready to proceed with assessing the bill of costs.

[3] In response to the applicant's written representations regarding the fact that he objects to paying costs, I would like to reiterate that under Rule 400(1) of the *Federal Courts Rules*, only the Court may allow costs. The assessment officer's role is to quantify costs once the Court has granted awarded them. Since the Court awarded costs in this case, the assessment officer must assess the costs as requested by the respondent.

[4] The respondent claims the following counsel fees: item 5 – preparation and filing of a contested motion (7 units), item 25 – services rendered after judgment and not otherwise mentioned (1 unit) and item 26 – assessment of costs (6 units).

[5] I allowed all the counsel fees except item 26, for which I allowed 2 units, since the assessment appears relatively simple to me. The counsel fees are therefore allowed in the amount of \$1,300.

[6] Disbursements are allowed in the amount of \$386.25. I did not allow the photocopies of the notice of appearance or the service of the notice of appearance by bailiffs, because that document is not in the Tariff B table.

[7] The respondent's bill of costs submitted at \$2,419.70 is allowed and assessed in the amount of \$1,686.25. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC

July 30, 2010

“Diane Perrier”

DIANE PERRIER  
ASSESSMENT OFFICER

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET: T-1971-09**

**STYLE OF CAUSE:**

JEAN-FRANÇOIS TURMEL

v. ATTORNEY GENERAL OF CANADA

**ASSESSMENT OF COSTS IN WRITING**

**REASONS OF DIANE PERRIER, ASSESSMENT OFFICER**

**DATED:** July 30, 2010

**WRITTEN SUBMISSIONS:**

Jean-François Turmel

APPLICANT

Laurent Brisebois

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Myles J. Kirvan

FOR THE RESPONDENT

Deputy Attorney General of Canada  
Montréal, Quebec