

Dockets: 2000-4265(IT)G  
2000-5104(IT)G

BETWEEN:

HIKMAT ALSAYEGH,  
FIRIAL ALSAYEGH,

Appellants,

and

HER MAJESTY THE QUEEN,

Respondent.

**CERTIFICATE OF COSTS**

I CERTIFY that I have taxed the party and party costs of the Respondent in this proceeding under the authority of subsection 153(1) of the *Tax Court of Canada Rules* (General Procedure) and I ALLOW THE SUM OF \$11,495.47.

Signed at Toronto, Ontario, this 18th day of June 2009.

“B.G. Tanasychuk”

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Taxing Officer

Citation: 2009TCC332  
Date: 20090618  
Dockets: 2000-4265(IT)G  
2000-5104(IT)G

BETWEEN:

HIKMAT ALSAYEGH,  
FIRIAL ALSAYEGH,

Appellants,

and

HER MAJESTY THE QUEEN,

Respondent.

**REASONS FOR TAXATION**

Barbara Tanasychuk, T.O., T.C.C.

[1] This taxation came on for hearing by way of a telephone conference call on Thursday, June 4, 2009. It follows a Judgment of the Honourable Justice Cameron Hugh McArthur of this Court dated August 19, 2005. As a result of the limited success of the Appellants, one set of costs was awarded to the Respondent. Mr. Hikmat Alsayegh represented the Appellants and Mr. Bruce Senkpiel represented the Respondent.

[2] The Further Amended Bill of Costs submitted by the Respondent is as follows:

**1.(1) Services of Counsel:**

1(1)(a) For all services in a proceeding prior to examination for discovery	\$525.00
1(1)(b) For a discovery of documents	\$150.00
1(1)(c) For an examination for discovery on October 18 and 19, 2004 (2 at \$525.00 per day or part day)	\$1,050.00

1(1)(c) For a taxation of costs	\$525.00
1(1)(d) For a pre-hearing conference March 19, 2003 and April 27, 2005 (2 at \$350.00 per day or part day)	\$700.00
1(1)(e) For a status hearing May 2, 2002 (1 at \$125.00 per day or part day)	\$125.00
1(1)(g) For preparation for hearing	\$625.00
1(1)(h) For conduct of the hearing May 30 and May 31, 2005, for each day or part day (2 at \$1,500.00 per day or part day)	\$3,000.00
1(1)(i) For all services after judgment	\$300.00
<b>TOTAL FEES:</b>	<b><u>\$7,000.00</u></b>

**1.(2) Disbursements**

Discovery Transcripts	\$1,377.00
Court Reporter fee	\$500.00
Courier	\$229.81
Photocopying	\$2,314.35
Service (Dye & Durham)	\$245.00
<b>TOTAL DISBURSEMENTS:</b>	<b><u>\$4,666.18</u></b>
<b>TOTAL FEES AND DISBURSEMENTS:</b>	<b><u>\$11,666.16</u></b>

[3] All of the items claimed on the Respondent's Bill of Costs were in dispute. As a result, Mr. Senkpiel reviewed and provided an explanation for each item claimed.

[4] Prior to hearing Mr. Alsayegh's submissions, a discrepancy in the amount claimed for photocopying was identified, in that an invoice in the amount of \$170.69 from St. Joseph Print Group Inc. had been claimed twice. Mr. Senkpiel withdrew the sum of \$170.69 from the amount claimed for photocopies which reduced the claim for photocopies to \$2,143.66.

[5] Mr. Alsayegh challenged the amounts claimed for services of counsel and disbursements. He argued that the amounts claimed were "inflated" and that he should not have to pay.

[6] I do not agree with Mr. Alsayegh. The amounts claimed for counsel fees are proper and in accordance with Tariff B of the *Tax Court of Canada Rules* (General Procedure). I will accordingly allow the full amount claimed for counsel fees of \$7,000.00.

[7] The amounts claimed for disbursements were well documented. Two Affidavits of Documents, with copies of invoices attached as exhibits, were filed for use at this hearing. I will accordingly allow the amount of \$4,495.00 for disbursements.

[8] The bill of costs in the amount of \$11,666.16 is taxed and \$11,495.47 is allowed. A certificate in that amount will be issued.

Signed at Toronto, Ontario, this 18th day of June 2009.

“B.G. Tanasychuk”

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Taxing Officer