

Federal Court



Cour fédérale

Date: 20150722

Docket: T-970-15

Citation: 2015 FC 894

Ottawa, Ontario, July 22, 2015

PRESENT: The Honourable Mr. Justice Barnes

BETWEEN:

ADE OLUMIDE

Applicant

and

CONSERVATIVE PARTY OF CANADA

Respondent

SUPPLEMENTARY ORDER AND REASONS

[1] These are my supplementary Reasons dealing with the outstanding issue of costs in this proceeding.

[2] When I gave my oral reasons at the conclusion of the hearing on June 19, 2015, Mr. Olumide requested that I reserve on the issue of costs to allow him time to consult legal counsel. I advised Mr. Olumide that if I heard from counsel by no later than June 25, 2015 I

would consider a further extension if one was needed. Mr. Olumide has now made his submissions on costs without the assistance of counsel.

[3] The Respondent was wholly successful in having the motion dismissed for lack of jurisdiction. Mr. Olumide has been actively engaged in litigation in this Court and is well aware that there will usually be cost consequences from engaging unsuccessfully in litigation, particularly where the litigation is without merit. Mr. Olumide was forewarned that the Respondent was challenging the jurisdiction of this Court to grant the relief he was seeking. If he had taken the opportunity to consult with legal counsel, he would have been advised that his case against the Respondent was hopeless. He would also have been well advised to seek counsel in connection with the Respondent's offer to dismiss this proceeding without costs. Instead, he pressed forward with a virtually incomprehensible argument. The motion was dismissed and the Respondent is now entitled to its reasonable costs.

[4] The Respondent has incurred solicitor-client costs of more than \$12,000.00. This is not surprising given the speed with which the matter was brought forward and the high quality of the submissions made by Mr. D'Angelo. The Respondent is seeking costs at the level of a substantial indemnity in the amount of \$8,000.00 and HST. This amount would ordinarily be well above the usual sum for costs on a motion of this type. However, having regard to its reasonable settlement offer and the excessive length of the hearing, the Respondent is entitled to a premium for its costs which I fix in the amount of \$5,500.00 inclusive of disbursements and HST.

ORDER

THIS COURT ORDERS that the Applicant shall pay forthwith to the Respondent costs in the amount \$5,500.00 inclusive of disbursements and HST.

"R.L. Barnes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-970-15

STYLE OF CAUSE: ADE OLUMIDE
v
CONSERVATIVE PARTY OF CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: JUNE 19, 2015

ORDER AND REASONS: BARNES J.

DATED: JULY 22, 2015

APPEARANCES:

Mr. Ade Olumide

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Mr. Paul D'Angelo

FOR THE RESPONDENT

SOLICITORS OF RECORD:

N/A

FOR THE APPLICANT

Perley-Robertson, Hill & McDougall LLP/s.r.l.
Ottawa, ON

FOR THE RESPONDENT