

Date: 20080718

Docket: IMM-6287-06

Citation: 2008 FC 891

BETWEEN:

CANRONG LI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

ASSESSMENT OF COSTS - REASONS

Johanne Parent
Assessment Officer

[1] By order dated February 5, 2007, the Court dismissed with costs the applicant's motion for an interim injunction enjoining Mrs. Andrée Blouin during the course of this application from rendering substantive decisions on business-class applications Forefront Migration Limited (Forefront) submits to the respondent. A timetable for written disposition of the assessment of the respondent's bill of costs was issued by the Senior Assessment Officer on April 30, 2008.

[2] In its Bill of costs, the respondent claims as assessable services the following amounts:

Item	Assessment of service	Column III Units	Amount
1	January 16, 2007 preparation of motion material	3 units	\$360.00
2	January 17, 2007 preparation of motion material	4 units	\$480.00
3	January 18, 2007 preparation of motion material	1.5 units	\$180.00

As expressed by my colleague in *Svebenyi v. Her Majesty the Queen* (2008 FCA 233 par. 2), “the *Federal Courts Rules* do not contemplate a litigant benefiting by having an assessment officer step away from a neutral position to act as the litigant’s advocate in challenging given items in a bill of costs. However, the assessment officer cannot certify unlawful items, i.e. those outside the authority of the judgment and the tariff.”

[3] In considering the above and although this issue was not contested by the solicitor for the applicant, the item for “preparation and filing of a contested motion, including materials and responses” will only be considered once and as a single item “5” under the Federal Court Tariff B. Considering factors in Rule 400(3) and my reading of the file, 4 units will be allocated for the preparation of this motion.

[4] The only disbursement (service) claimed at \$80.28 under Tariff B is allowed as claimed considering the evidence adduced within the affidavit of Baljinder Rehal sworn May 8, 2008.

PARTICULAR CONSIDERATIONS

1. Is Forefront liable for costs?

[5] On December 21, 2006, the respondent filed a motion before this Court to have among other heads of relief one of the applicants, Forefront, struck as a party to this proceeding. Said motion was granted by the Honourable Mr. Justice Hughes on February 5, 2008. In reading the file, it is my understanding that the motion for an interim injunction although brought under Canrong Li style of cause did not seek relief for the benefit of Mr. Li but rather for the benefit of Forefront. It is clear to me that Mr. Justice Hughes did not intend that Mr. Li pay the costs as the motion was brought to enjoin the visa post from assessing any other visa applications filed by Forefront until its complaints about the processing of other applications were resolved.

2. Costs not be payable until the respondent proves that it has complied with previous Court order in A-133-03.

[6] I cannot find any legal basis that past conduct in another matter is a relevant factor to determine payment of costs in another case.

[7] The bill of costs is allowed at \$560.28 plus GST for a total amount of \$589.08.

“Johanne Parent”
Assessment Officer

Toronto, Ontario
July 18, 2008

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-6287-06

STYLE OF CAUSE: CANRONG LI v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES**

REASONS FOR ASSESSMENT OF COSTS: JOHANNE PARENT

DATED: July 18, 2008

WRITTEN REPRESENTATIONS:

Timothy E. Leahy FOR THE APPLICANT

Martin Anderson FOR THE RESPONDENT

SOLICITORS OF RECORD:

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