

Federal Court



Cour fédéral

Date: 20110318

Docket: T-101-10

Citation: 2011 FC 333

[ENGLISH TRANSLATION]

BETWEEN:

GUILLAUME LEMAY

Applicant

and

NATIONAL DEFENCE

Respondent

REASONS FOR ASSESSMENT

ASSESSMENT OFFICER JOHANNE PARENT

[1] On July 15, 2010, the Court allowed the respondent's motion to dismiss the application for judicial review with costs. On December 31, 2010, the respondent submitted its bill of costs to the Court. Directives were then issued, advising the parties that the assessment of costs would be in writing and of the deadlines for filing representations.

[2] In support of its bill of costs, the respondent produced and served the affidavit by Marina Sushko, sworn on December 30, 2010. No other representations were received by the Registry of the Court, nor were any applications for extension of the deadline.

[3] I will therefore proceed with assessment of the bill of costs, considering the observations by my colleague in *Dahl v Canada*, 2007 FC 192 (OT), at para 2 :

Effectively, the absence of any relevant representations by the Plaintiff, which could assist me in identifying issues and making a decision, leaves the bill of costs unopposed. My view, often expressed in comparable circumstances, is that the *Federal Courts Rules* do not contemplate a litigant benefiting by an assessment officer stepping away from a position of neutrality 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.

[4] Considering the services claimed under Tariff B of the *Federal Court Rules*, the units sought for the preparation and filing of an uncontested motion (section 4) and for the assessment of costs (section 26) are awarded as claimed.

[5] I have examined the affidavit filed in support of the bill of costs and the disbursements incurred by the respondent. I consider them to be necessary expenditures for the conduct of this case. The amounts are reasonable and are therefore awarded.

[6] The respondent's bill of costs is awarded in the amount of \$540.41.

“Johanne Parent”

Assessment Officer

Toronto, Ontario
March 18, 2011

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-101-10

STYLE OF CAUSE: GUILLAUME LEMAY v NATIONAL
DEFENCE

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

PLACE OF ASSESSMENT: TORONTO, ONTARIO

REASONS FOR ASSESSMENT BY: ASSESSMENT OFFICER
JOHANNE PARENT

DATE OF ASSESSMENT: March 18, 2011

WRITTEN REPRESENTATIONS:

No written representations FOR THE APPLICANT
(representing himself)

Antoine Lippé FOR THE RESPONDENT

SOLICITORS OF RECORD:

N/A FOR THE APPLICANT

Myles J. Kirvan
Deputy Attorney General of Canada FOR THE RESPONDENT