

CANADA / JUDGMENT

Deeb v. Canada (Attorney General)

2026 FC 253

COURT

Federal Court

DECIDED

23 February 2026

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Court (s) Database

Federal Court Decisions

Date

2026-02-23

Neutral citation

2026 FC 253

File numbers

T-889-24

Decision Content

Date: 20260223

Docket: T-889-24

Citation: 2026 FC 253

Toronto, Ontario, February 23, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

REYNOLD DEEB

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

COSTS ORDER

- [1] On December 12, 2025, the Court issued its judgment reported as 2025 FC 1954 that dismissed the Applicant Mr. Deeb's application for judicial review of the Minister of Foreign Affairs' March 21, 2024, decision that rejected Mr. Deeb's application pursuant to section 8 of the Schedule to the Special Economic Measures (Haiti) Regulations, SOR/2022-226 [the Haiti Regulation] to be removed from the Schedule to the Haiti Regulations.
- [2] The Respondent sought its costs of the proceeding. The Court encouraged the parties to seek an agreement on costs failing which they were to provide the Court with their respective costs submissions within the time set out in the judgment. The parties were unable to agree on costs and have provided their costs submissions.
- [3] The Respondent, as the successful party in the proceeding, is seeking his costs of the proceeding in accordance with the general rule that the successful party should be entitled to its costs as fixed by the Court's in its discretion (*British Columbia (Minister of Forests) v. Okanagan Indian Band*, 2003 SCC 71, at paras 19 to 21; *Allergan Inc. v. Sandoz Canada Inc.*, 2021 FC 186, at para 20). In support of his claim for costs, he produces a bill of costs and affidavit evidence of the disbursements incurred. The Respondent seeks costs in the total amount of \$ 10,343.87.
- [4] While the Applicant agrees with the general rule that the successful party in a proceeding should be entitled to its costs, he disagrees that the Respondent should be entitled to his costs at all considering the context of this proceeding, and because of the financial prohibitions contained in the Haiti Regulations. The Applicant's argument is set out in his submissions as follows:
7. The Haiti Regulations are clear. Canadians are not permitted to engage in transactions with listed persons. To award the costs order would be contrary to the sanctions regime. It would mean that the Attorney General is directly "dealing in the property of" a listed person. The Attorney General suggests that the Minister "may issue" a permit to enable Mr. Deeb to pay costs (Special Economic Measures Permit Authorization Order, SOR/2025-50), but there is no evidence that such a permit has been or will be granted.
8. Canada seeks to apply a double standard, which should not be condoned. While prohibiting others from transacting and engaging with Mr. Deeb, it seeks to do so when suits its own purposes. This is part of an ongoing pattern of conduct. Notably, on the same day that the Minister denied his delisting application, the Canadian embassy enlisted Mr. Deeb's help and did not hesitate to use his property to carry out helicopter evacuations of Canadians. Given Canada's decision to maintain Mr. Deeb as a listed person. It should not benefit from the very transactions it seeks to deny for others. The rule of law requires more. As the Supreme Court of Canada has held, there is to be "one rule for all" (*Reference re Secession of Quebec*, 1998 CanLII 793 (SCC), at para. 71).

- [5] The Respondent argues that the potential difficulties the Respondent may face in enforcing a costs award against the Applicant due to the prohibitions contained in the Haiti Regulations and the potential for the Respondent to avoid those difficulties by acting pursuant to the Special Economic Measures Permit Authorization Order, SOR/2025-50, have no bearing on the Court's ability to make a costs award.
- [6] I agree with the Respondent.
- [7] Section 3 of the Haiti Regulations sets out the sanctions that flow from the Applicant being named in the Schedule to the Haiti Regulations. By way of oversimplification, those sanctions prohibit every person in Canada and any Canadian outside Canada from dealing in any property that is held or controlled, directly or indirectly, by the Applicant.
- [8] Neither section 3 nor the Haiti Regulations more generally purport to prohibit or otherwise impair the Court's ability and discretion to make a costs award pursuant to Rule 400 of the Federal Courts Rules, SOR/98-106 [the Rules] in connection with a proceeding before it that engages the Haiti Regulations. I find that a plain reading of the Haiti Regulations and of its enabling statute, the Special Economic Measures Act, SC 1992, c 17, shows that there is no provision in either the legislation or the regulation that impairs this Court's jurisdiction, ability, and discretion to make a costs order against the Applicant in the usual course of litigation he commenced before this Court.
- [9] The Applicant's argument also conflates the Respondent's ability and means to enforce and actually recover a costs order made against the Applicant with the Court's ability to make a costs order against him. The Court's ability to make a costs award against the Applicant is not contrary to the sanction's regime set out in the Haiti Regulations because an award of costs is an order of the Court. The making of a costs award is not conduct that falls within the section 3 prohibitions.
- [10] The Haiti Regulations also do not prohibit the Respondent from seeking its costs in litigation against a person named in the Schedule to the regulation. Indeed, as is the case with the Court's ability and discretion to award costs, there is no provision in the Haiti Regulations that impairs, impedes or prohibits the Respondent from seeking an order from the Court to award it its costs of the proceeding.

I. The Costs Award – Rule 400(1) and 400(3) of the Rules. [11] Applying the general rule that the successful party is entitled to their costs, the Respondent shall be awarded his costs of this proceeding.

- [12] The Respondent's bill of costs sets out a claim for costs in the amount of \$ 10,343.87. This amount is calculated by the Respondent in general accordance with Tariff B of the Rules as it read prior to the coming into force of the Rules Amending the Federal Courts Rules and the Federal Courts Citizenship, Immigration and Refugee Protection Rules: SOR/2025-232, that came into force of December 21, 2025. The amending regulation amended the content of Tariff B, increased the number of assessable costs items in an application proceeding, and

simplified the Tariff B costs calculation structure.

- [13] The bill of costs filed by the Respondent does not take these regulatory changes into account. The Respondent's bill of costs is therefore not compliant with subsection 1(2) of Tariff B, or with Table 2 of Tariff B with respect to assessable items. The bill of costs nevertheless itemizes assessable items that continue to be assessable items in Tariff B as amended, and sets out a claim for costs in accordance with a Tariff B column that would represent a heightened cost award. I note that the Applicant has not raised any argument in connection with the Respondent's bill of costs' compliance with the amended Tariff B.
- [14] I do not consider that the Respondent's bill of costs is irregular in substance such that Rule 60 should be invoked to permit him to remedy irregularities in his submission. In my view, the interests of justice here lay in considering the claimed assessable cost items as claimed by the Respondent in his bill of costs in light of Tariff B, Table 2, Column 2, as amended.
- [15] The bill of costs contains a claim for 54 assessable item units and \$ 623.87 in proven disbursements. The claimed disbursements are reasonable, proven, and shall be allowed as claimed.
- [16] The 54 claimed units are comprised of units generated from what is now described in Tariff B, Table 2, as assessable items 15 (Preparation and filing of record, including memorandum of fact and law), 17 (Preparation for hearing of application, whether or not the application proceeds), 19 (Counsel fee for attendance of first counsel at hearing of application, for each hour in Court (for each quarter hour or less, add 25% of the units allocated for each hour), 20 (Counsel fee for attendance of second counsel at hearing of application, for each hour in Court, 50% of the units per hour allocated under item 19 (for each quarter hour or less, add 12.5% of the units per hour allocated under item 19), 22 (Preparation and filing of a condensed book, compendium or other similar written material requested or permitted by the Court), and 25 (Assessment of costs).
- [17] Applying the mid-point of Column 2, Tariff B, Table 2, to these claimed items, I find that the assessable item unit calculation carried out in accordance with Rule 407 yields a total of 33 units. Applying the fixed unit value of \$ 180 per unit, I calculate the Respondent's claimed assessable items as having a value of \$ 5,940.00.
- [18] Turning to the Rule 400(3) factors raised by the parties, I do not consider that the Applicant unnecessarily lengthened the proceeding by maintaining arguments that were ultimately rejected by the Court, nor do I consider that an increased award of costs is warranted because the Minister was required to respond to the Applicant's arguments regarding procedural fairness. The Applicant had pleaded procedural unfairness in his Notice of Application and its argument at the hearing could not have come as a surprise to the Respondent.

[19] I also reject the argument that additional counsel fee costs should be awarded on the basis that the Applicant was represented by a greater number of barristers in the courtroom than the Respondent was. As interesting as a costs increase for prevailing in a 4 against 3 courtroom “power play” situation may be, I cannot find any basis in the materials before me for such an award to be made. A numerical superiority of lawyers for one party in a courtroom does not, in my view, enhance the merits of the arguments they advance or make them more persuasive.

[20] I am left to consider whether increased costs should be awarded due to the Applicant’s inclusion in his costs submissions and his continued reliance upon a factual situation that arose after the date of the underlying Ministerial decision. I recall that the Court held that those facts had no bearing on the issues before the Court and did not require consideration. The Respondent does not appear to have incurred any costs in responding to the Applicant’s inappropriate submission. I do find that that an increased costs award pursuant to Rule 400(3)(o) is warranted in these circumstances.

II. Conclusion [21] Exercising my discretion pursuant to Rule 400(1), and considering the factors described at Rule 400(3) as argued by the parties in their respective submissions, and considering my calculation of assessable item units as set out above, I consider it fair and reasonable and consistent with the threefold objective of costs to award the Respondent his costs fixed at \$ 6,563.87, which includes \$ 5,940 in assessable item units and \$ 623.87 in disbursements.

THIS COURT ORDERS that:

1. The Applicant pay the Respondent his costs of this proceeding which are hereby fixed at \$ 6,563.87, which includes \$ 5,940 in Tariff B assessable item units and \$ 623.87 in disbursements.

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“Benoit M. Duchesne”

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Judge

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Prepared on 25 October 2026 · Esheria