

CANADA / JUDGMENT

Savard v. Canada

2005 FC 312

COURT

Federal Court

DECIDED

2 March 2005

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Savard v. Canada Court (s) Database Federal Court Decisions Date 2005-03-02 Neutral citation 2005 FC 312 File numbers T-59-01 Decision Content Date: 20050302 Docket: T-59-01 Citation: 2005 FC 312 Between: JEAN-GUY SAVARD Plaintiff and HER MAJESTY THE QUEEN Defendant ASSESSMENT OF COSTS - REASONS MICHELLE LAMY, ASSESSMENT OFFICER

- [1] This action was dismissed on May 29, 2003, with costs against the defendant. At her request, the assessment proceeded on the basis of written submissions by the parties.
- [2] After reviewing the proceedings in the record and the submissions by the parties, the defendant's fees are awarded in the amount of \$4,561.34 for the following reasons.
- [3] The number of units claimed under the following items was reduced: items 2 (6 units), 7 (4 units), 10 (5 units), 11 (2 units x 1h32min), 12 (2 units), 13(a) (4 units), 14(a) (2 units x 3h12min) and 26 (3 units). The defendant made no submission justifying the maximum number of units provided under column III of Tariff B for these services. Taking into account the criteria set out in subsection 400(3) of the Federal Court Rules, it seems that this action in civil liability was not in general very complex although the workload appears to have been considerable. In response to the plaintiff's argument, I should like to note that unless the Court so orders each item of the Tariff is intended to compensate for counsel's fees for services rendered regardless of the number of counsel who took part in performing each service.
- [4] For the preparation of written submissions in October (1.5 pages) and December (2 pages) 2001 in response to motions by the plaintiff, I allow 4 units for each of the claims made under item 5. Compared to the other services, the workload for these items seems lighter.
- [5] The claim made under item 27 for preparing the hearing record is denied. Compensation under that item for services not provided for in the Tariff is very rarely awarded: for example, the filing of written submissions pursuant to rule 382 against a status review notice. Several items of the present Tariff are related to services rendered prior to the hearing. If Parliament had intended to compensate for this service, there would be an item to that effect. We must keep in mind that the Tariff is intended to be partial compensation for fees incurred by a party in a case.

- [6] The disbursements for photocopying and service expenses, totalling \$630.39, are awarded as claimed. These expenses, evidence of which was established by affidavit, were necessary to the proper conduct of the case.
- [7] Finally, the fact that a party has the financial means to pay costs is not relevant at this stage of the proceedings. The Court has ordered that the costs be paid by the plaintiff, and my role as assessment officer is to determine the amount. Consequently, the defendant's costs are assessed and allowed in the amount of \$5,191.73. (signed) Michelle Lamy MICHELLE LAMY ASSESSMENT OFFICER Certified true translation K. A. Harvey FEDERAL COURT SOLICITORS OF RECORD DOCKET: T-59-01 Between: JEAN-GUY SAVARD Plaintiff and HER MAJESTY THE QUEEN Defendant ASSESSMENT OF COSTS IN WRITING PLACE OF ASSESSMENT: Montréal, Quebec REASONS OF: MICHELLE LAMY, ASSESSMENT OFFICER DATED: March 2, 2005 SOLICITORS OF RECORD: John Sims For the defendant Deputy Attorney General of Canada Ottawa, Ontario

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