

Date: 20090617

Docket: IMM-473-08

Citation: 2009 FC 642

[ENGLISH TRANSLATION]

BETWEEN:

**ELIDA LUZ ARTEAGA MENDOZA
ELIANA LOPEZ ARTEAGA**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of the respondent's bill of costs following the order by the Honourable Mr. Justice Teitelbaum on September 16, 2008, dismissing with costs the applicants' motion for extension of time to file the applicants' record.

[2] On November 27, 2008, the Honourable Mr. Justice Lemieux made a final decision that dismissed the application for leave and judicial review. I can therefore proceed with assessing the costs of the motion for extension of time based on the parties' written representations.

[3] The respondent claims the following fees: item 2 – preparation and filing of the written representations in response to the applicants’ motion for extension of time (4 units) and item 26 – assessment of costs (2 units).

[4] In his bill of costs, the respondent should have claimed item 5 for the preparation and filing of written representations in response to the applicants’ motion for extension of time instead of item 2, which deals with the respondent’s record.

[5] Since the respondent claims the minimum units for the claimed items, I will therefore allow 3 units for item 5. Counsel fees are therefore allowed in the amount of \$600.

[6] Disbursements in the amount of \$7.90 for service of the respondent’s motion record to the motion for extension of time are allowed as is, as they appear reasonable to me and the evidence is done by affidavit.

[7] As for Mr. Trudel’s written representations for the applicants, I cannot agree, because as the respondent mentions in his written representations, the order by the Honourable Mr. Justice Teitelbaum indicated that the motion was dismissed with costs. Therefore, under Rule 400 of the *Federal Courts Rules*, only a judge may award costs. Since the Court awarded costs, the role of the assessment officer is to establish the amounts of these costs under Tariff B. Consequently, the respondent’s bill of costs submitted for \$727.90 is allowed and assessed in the amount of \$607.90. An assessment certificate will be issued for this amount.

MONTRÉAL, QUEBEC
June 17, 2009

“Diane Perrier”

DIANE PERRIER
ASSESSMENT OFFICER

**FEDERAL COURT
SOLICITORS OF RECORD**

DOCKET: IMM-473-08

Between:

**ELIDA LUZ ARTEAGA MENDOZA
ELIANA LOPEZ ARTEAGA**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

ASSESSMENT OF COSTS IN WRITING

PLACE OF ASSESSMENT: Montréal, Quebec

REASONS OF DIANE PERRIER, ASSESSMENT OFFICER

DATED: June 17, 2009

WRITTEN REPRESENTATIONS:

Louis Trudel For the Applicants

Sylviane Roy For the Respondent

SOLICITORS OF RECORD:

John Sims
Deputy Attorney General of Canada
Ottawa, Ontario For the Respondent