

**Date: 20020910**  
**Neutral Citation: 2002FCA317**  
**Docket: A-651-99**

**BETWEEN:**

**KASSONGO TUNDA (Alias Kizuzi Dibayula)**

**Appellant**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**ASSESSMENT OF COSTS - REASONS**

**DIANE PERRIER, ASSESSMENT OFFICER**

- [1] This assessment concerns an appeal from a judgment by the Honourable Mr. Justice Teitelbaum of the Trial Division dated June 11, 1999, in file IMM-980-97. The judgment dismissed the application for judicial review, without costs.
- [2] On May 14, 2001, the appeal was dismissed with costs.

- [3] Following that judgment, the respondent filed her bill of costs and asked that it be taxed without personal appearance by the parties. To that end, on July 23, 2002, by registered mail, we invited counsel for the parties to file and serve their written representations. Because our written request addressed to Mr. Lebrun, counsel for the appellant, was returned to our office with the notation “moved/unknown”, we reiterated our request to the parties themselves on July 30, 2002. Since no representations have been received as of today, the bill of costs is accordingly assessed as submitted.
- [4] In her bill of costs, the respondent is claiming the amount of \$2,282.40 for services rendered under column III of Tariff B for items #19 (7 units), 22 (3.25 hours, 3 units), and 26 (4 units). With the exception of items #22 and 26, the number of units requested is allowed.
- [5] Item 22 is allowed except that the hearing on May 14, 2001, lasted from 10:05 to 12:12, which is 2 hours 7 minutes and not 3 hours 15 minutes, as stated in the bill of costs. Therefore the costs are  $2.12 \text{ hours} \times 3 \text{ units} \times \$110 = \$699.60$ .
- [6] Since the bill of costs was not disputed, I am allowing two units for item 26 of the Tariff.
- [7] The disbursements of the defendant in the amount of \$704.40 are allowed, with the exception of preparation of the transcript of the hearing on May 17, 1999, in file IMM-980-97, in the amount of \$139.80. In principle, no record is required at a judicial review. However, the court retained the services of a court stenographer at the hearing, but the transcript is not part of the appeal record. It is therefore an expense incurred voluntarily by the respondent and accordingly cannot be allowed.

[8] Accordingly, the costs of the defendant are assessed and allowed in the amount of \$2254.20. A certificate will issue in that amount.

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Diane Perrier  
Assessment Officer

Québec, Quebec  
September 10, 2002

Certified true translation

Mary Jo Egan, LLB

**FEDERAL COURT OF CANADA  
APPEAL DIVISION**

**SOLICITORS OF RECORD**

**DOCKET:** A-651-99

**Between:**

**KASSONGO TUNDA (Alias Kizuzi Dibayula)**

**Appellant**

**and**

**MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**ASSESSMENT OF COSTS WITHOUT PERSONAL APPEARANCE**

**PLACE OF ASSESSMENT:** Québec, Quebec

**REASONS OF DIANE PERRIER, ASSESSMENT OFFICER**

**DATE OF REASONS:** September 10, 2002

**SOLICITORS OF RECORD:**

Dominique Guimond  
Quebec Regional Office  
Montréal, Quebec

for the respondent

**FEDERAL COURT OF CANADA**  
**APPEAL DIVISION**

**Date: 20020910**

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**Between**

**KASSONGO TUNDA (Alias Kizuzi Dibayula)**

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**ASSESSMENT OF COSTS - REASONS**

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