

Federal Court of
Appeal



Cour d'appel
fédérale

Date: 20090922

Docket: A-248-07

Citation: 2009 FCA 271

BETWEEN:

MEHMET DAG, CENNET YAS DAG

Appellants

and

**THE MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Respondent

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of respondent's bill of costs following the judgment of the Federal Court of Appeal dated March 10, 2008 that dismissed with costs the appeal of a decision from the Federal Court dismissing the appellants' application for judicial review.

[2] On April 2, 2009, respondent filed his bill of costs requesting that the taxation be done in writing. On May 6, 2009, letters were sent to parties setting a timetable for the filing of written representations. On May 7, 2009, appellants' counsel informed the registry that they no longer represented the appellants. On May 25, 2009, letters were sent to the appellants, counsel for appellants and counsel for respondent setting a new timetable for the filing of written representations. As of today, no written representations were filed by the parties. I am now ready to assess the bill of costs with the documentation on file.

[3] Respondent's assessable services are allowed in the amount of \$2,340. I allow item 19 – memorandum of fact and law (7 units), item 22a) first counsel attendance at Court on March 10, 2008 for 3 hours and item 26 – assessment of costs (2 units). I disallow item 13a) – preparation for hearing as this item is under subheading *D. Pre-trial and Pre-Hearing Procedures*, not under subheading *F. Appeals to the Federal Court of Appeal*. I disallow item 22b) - counsel fee on hearing of appeal to second counsel where Court directs as no order or direction of the Court were rendered in this file. Item 26 is reduced from 6 units to 2 units because the taxation is simple and not contested. Given that the unit value was readjusted on April 1, 2009 pursuant to subsection 4(1) of Tariff B and that the respondent filed his bill of costs after that date, I made the necessary adjustments in calculating the amount of the fees.

[4] The disbursements are allowed in the amount of \$1,292.82. All of the respondent's disbursements are allowed except the photocopies of the Notice of Appearance as this document does not appear as an assessable service in Tariff B.

[5] Respondent's bill of costs presented at \$5,074.07 is assessed and allowed in the amount of \$3,632.82. A certificate of assessment will be issued for this amount.

MONTRÉAL, QUEBEC
September 22, 2009

“Diane Perrier”

DIANE PERRIER
ASSESSMENT OFFICER

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET:

A-248-07

STYLE OF CAUSE:

MEHMET DAG, CENNET YAS DAG
v. THE MINISTER OF PUBLIC
SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING:

Montréal, Quebec

ASSESSMENT IN WRITING WITHOUT PERSONAL APPEARANCE OF PARTIES

ASSESSMENT OF COSTS-REASONS BY:

DIANE PERRIER
ASSESSMENT OFFICER

DATED:

September 22, 2009

SOLICITORS OF RECORD:

WAICE FERDOUSSI
Montréal, Quebec

FOR THE APPELLANTS

John H. Sims, Q.C.
Deputy Attorney General of Canada
Montréal, Quebec

FOR THE RESPONDENT