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Canadian Assn. of the Blind v. Canada (Minister of National Revenue)

# Federal Court of Appeal Decisions

## Canadian Assn. of the Blind v. Canada (Minister of National Revenue)

Court (s) Database: Federal Court of Appeal Decisions

Date: 2003-04-14

Neutral citation: 2003 FCA 189

File numbers: A-444-01

Date: 20030414

Docket: A-444-01

Neutral Citation: 2003 FCA 189

BETWEEN:

CANADIAN ASSOCIATION OF THE BLIND

Appellant

- and -

THE MINISTER OF NATIONAL REVENUE

Respondent

### ASSESSMENT OF COSTS - REASONS

FRANÇOIS PILON

Assessment Officer

**This is an appeal from the respondent's decision to revoke the registration of the appellant as a registered charity. The appeal was set down for hearing for December 18, 2002, however, the appellant filed a discontinuance on December 10, 2002. Under the provisions of Rule 402 a party against whom an appeal has been discontinued is entitled to costs forthwith.**

[2] Mr. Roger Leclaire, the solicitor for the respondent, filed a bill of costs on February 26, 2003 and requested that the assessment be done in writing. The Registry subsequently wrote to the parties with a timetable for the filing of written submissions. By letter to the Registry dated March 11, 2003 Mr. Leclaire advised that the respondent would not be filing any documents other than those already on record. On April 1, 2003, the Registry issued a notice of discontinuance. The respondent has not filed any documents in this appeal.

8, 2003 Mr. Gerard Thompkins, the solicitor for the appellant notified the Registry that he had not been able to obtain any further instructions from his client and that he would have no representations to make concerning the bill of costs. In the circumstances I will proceed with the assessment at this time.

[3] The respondent claims 5 units for the preparation and filing of a Motion Record on September 27, 2001 and a further 3 units for its Motion Record filed on November 1, 2001. These two items cannot be allowed. Both Orders of the Court make no mention of costs. Where an Order disposing of an interlocutory motion is silent as to costs, the assessment officer is without authority to assess any. Rule 400 (1) provides that:

**"The Court shall have full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid."**

[4] Counsel for the respondent claims 5 units for the preparation and the filing of the memorandum of fact and law and 4 units for the assessment of costs. These two items will be allowed as well as the disbursement of \$72.80 for photocopying court documents required to be filed under the Rules.

[5] The bill of costs of the respondent presented at \$1,942.80 is assessed and allowed in the amount of \$1,062.80.

Halifax, Nova Scotia

**April 14, 2003**

**François Pilon**

Assessment Officer

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

COURT FILE NO.: A-444-01

STYLE OF CAUSE: Canadian Association for the Blind

v. The Minister of National Revenue

ASSESSMENT IN WRITING WITHOUT THE PERSONAL APPEARANCE OF PARTIES

**ASSESSMENT OF COSTS - REASONS BY: François Pilon**

DATE OF REASONS: April 14, 2003

**SOLICITORS OF RECORD:**

Patterson Palmer

Halifax, NS For the Appellant

Morris Rosenberg

**Website last modified:**

2025-07-04

