



Ottawa, Wednesday, July 31, 2002

File No. PR-2001-032

IN THE MATTER OF a complaint filed by John Chandioix experts-conseils inc. under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47;

AND FURTHER TO a determination made pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act* to award John Chandioix experts-conseils inc. its reasonable costs incurred in relation to preparing and proceeding with the complaint.

### ORDER

In a determination made on February 13, 2002, pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act*,<sup>1</sup> the Canadian International Trade Tribunal (the Tribunal) awarded John Chandioix experts-conseils inc. (John Chandioix) its reasonable costs incurred in relation to preparing and proceeding with its complaint.

On March 12, 2002, John Chandioix submitted its claim to the Tribunal, in the amount of \$13,233.49, for costs incurred in relation to the complaint. On April 18, 2002, the Department of Public Works and Government Services (PWGSC) filed its comments on John Chandioix's claim. On May 1, 2002, John Chandioix filed its response to those comments.

John Chandioix claimed \$12,307.67 for legal fees, \$460.10 for the fees of a service provider and \$465.72 for disbursements.

PWGSC submitted that the external counsel indicated that he had not practised law continuously since his admission to the bar in 1972. The hourly rate applicable for services of counsel is based on the number of completed years of practice. PWGSC required that counsel indicate the number of completed years as a practising lawyer. It submitted that there is no indication as to whether the time spent by counsel from October 25 is in relation to File Nos. PR-2001-029 and PR-2001-32 or only in relation to File No. PR-2001-032.

Regarding disbursements, PWGSC submitted that GST and QST are not payable with respect to John Chandioix's claim for internal photocopying, for binding and for kilometrage. It also submitted that John Chandioix's claim, in the amount of \$152.18, for kilometrage to file comments on the Government Institution Report (GIR) is highly exaggerated. In comparison, the amount in the claim for Purolator courier services is \$29.10. According to PWGSC, that amount is not reasonable and should be dismissed.

John Chandioix filed a detailed response to PWGSC's comments. First, it submitted that there was an error in Form I. Its counsel has in fact been practising law continuously since 1972. John Chandioix submitted that the legal fees that it claimed on March 1, 2002, relate only to File No. PR-2001-032. With respect to disbursements, it submitted that nothing in the guidelines indicate that GST and QST are not

1. R.S.C. 1985 (4th Supp.), c. 47.

payable for internal photocopying, for binding and for kilometrage. Finally, John Chandioix submitted that the costs for delivering its comments on the GIR were necessary due to the late receipt of two series of documents that it had requested pursuant to the *Access to Information Act*<sup>2</sup> and that were directly related to the complaint.

The Tribunal is satisfied with John Chandioix's explanation concerning counsel's experience. In addition, it concludes that the total amount claimed for 53.5 hours, that is, \$12,307.67 (including taxes), is not unreasonable, given the complexity of the case. Therefore, the Tribunal awards \$12,307.67 for legal fees.

With respect to the claim for \$460.10 (including GST and QST) for the fees of a service provider, the Tribunal notes that Form III that was submitted is duly completed and signed. An invoice for the above-mentioned fees was submitted; PWGSC did not dispute the said fees, which are reasonable and consistent with the Tribunal's *Procurement Cost Guidelines* and, consequently, the Tribunal awards the amount claimed.

Regarding disbursements, the Tribunal concludes that GST and QST are not payable with respect to John Chandioix's claim for internal photocopying, but that they are payable for binding. It is of the opinion that John Chandioix's claim, in the amount of \$152.18, for kilometrage to file comments on the GIR is highly exaggerated in the circumstances and is therefore not allowed. However, instead of that claim for kilometrage, the Tribunal awards \$29.10 for Purolator courier services. In conclusion, it awards \$315.12 (which includes \$183.20 for internal photocopying, \$73.72 for binding and two times \$29.10 for the delivery of documents or \$58.20) for disbursements.

The Tribunal hereby awards John Chandioix \$13,082.89 for preparing and proceeding with the complaint and directs PWGSC to take appropriate action to ensure prompt payment.

Pierre Gosselin  
Pierre Gosselin  
Presiding Member

Michel P. Granger  
Michel P. Granger  
Secretary

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2. R.S.C. 1985, c. A-1.