

Ottawa, Wednesday, October 15, 1997

File No.: PR-96-037

IN THE MATTER OF a complaint filed by Sybase Canada Ltd. under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985, c. 47 (4th Supp.), as amended;

AND IN THE MATTER OF a decision to conduct an inquiry into the complaint under subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

ORDER

In a determination made on July 30, 1997, the Canadian International Trade Tribunal (the Tribunal) awarded Sybase Canada Ltd. (Sybase), pursuant to subsection 30.16(1) of the *Canadian International Trade Tribunal Act*, its reasonable costs incurred in relation to filing and proceeding with its complaint.

On August 19, 1997, the Department of Public Works and Government Services (the Department) wrote the Tribunal stating its intention to implement fully the decision of the Tribunal. Sybase submitted to the Tribunal, on August 29, 1997, its claim for complaint costs in the amount of \$23,410.06. On September 24, 1997, the Department wrote the Tribunal stating that it had no comments with respect to Sybase's claim.

Sybase has claimed an amount of \$22,223.75 as legal fees (including GST) incurred by it in pursuing its complaint and disbursements in the amount of \$1,186.31 related thereto. The Tribunal, having considered, among other factors, the complexity of the complaint and the degree of experience and skill of counsel, is of the view that the hourly rate charged is reasonable and that the hours charged should be allowed. As well, disbursements are allowed as claimed.

The Tribunal hereby awards Sybase costs in the amount of \$23,410.06 in relation to proceeding with its complaint and directs the Department to take appropriate action to ensure prompt payment.

Raynald Guay

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Member

Michel P. Granger

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Secretary