

- [7] I also note that insofar as I am able to interpret the client ledger, the only actual time in respect of fees recorded by the client totalled \$297.50 (constituting three separate charges of \$87.50, \$35.00 and \$175.0 respectively).
- [8] There was another entry on the client ledger, called “fees to lawyer” of \$103.80, but Mr. Doughty was not able to interpret this clause for me, and I cannot determine whether or not that amount represents services rendered the client, or if so, for what.
- [9] In the absence of any further evidence or particulars as to the nature of the retainer between Mr. Mont and the client, but given that the fees do appear to have included an attendance at court, I am prepared to allow \$297.50, plus HST of \$44.63, as a “reasonable and lawful” claim on the part of the solicitor for his services to the client.
- [10] I am not prepared to say that in the circumstances of this case it was reasonable to charge a premium (i.e. \$500.00) for the services, in the absence of any evidence as to what exactly was done; or of what discussions if any there were between the client and the lawyer respecting any premium. Mr. Doughty’s understanding was that the cheque had been given to the solicitor at some point, and that the cheque was supposed to represent full payment of the lawyer’s account. However, in the absence of any evidence that the client knew what the actual account was; and in the absence of any evidence that there was an agreement at the beginning of the retainer to charge a flat fee of \$500.00; I am not prepared to assess the solicitor’s claim at anything higher than the hourly rate for the services actually recorded in the client ledger (that is, the total of \$297.50).
- [11] Accordingly, I assess the solicitor’s account at \$297.50, plus HST of \$44.63, and order that the client pay that amount to the Claimant firm.

Dated at Halifax, this _____ day of)
 April, 2002.)
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 ADJUDICATOR
 W. Augustus Richardson

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