

IN THE MATTER OF THE UNIVERSITY TRIBUNAL

APPEAL

OF THE UNIVERSITY OF TORONTO

Trial: 1978/79-8
Appeal: 1978/79-9

(APPEAL DIVISION)

B E T W E E N :

THE UNIVERSITY OF TORONTO

Complainant
(Respondent)

-and-

Mr. L + Mr. P

Accused
(Appellants)

APPEARANCES:

Cynthia L. Zinck, for appellants, accused.

Kathryn Feldman, for respondent, complainant.

BEFORE: S. G. Fisher, Q.C.

R E A S O N S

I have been asked to make a ruling under Rule 67 and to order that the University pay the costs of the transcript which was used for the purposes of the students' appeal herein. I am told that the cost of the transcript was \$224.30 and that this was paid by the students who now seek reimbursement.

I have had the benefit of reading the Reasons for

Judgment delivered by the members of the Tribunal hearing the appeal and I have also had the benefit of reviewing the submissions of counsel for the University contained in her letter of October 16, 1979 and those of counsel for the students contained in Ms. Zinck's letter of October 12th, 1979.

In my view this is not a proper case for the exercise of my discretion under Rule 67 of the Rules of Procedure and I therefore decline to make any order as to costs. There is nothing in the material which would suggest that the students were faced with such hardship as would prevent them from proceeding with their appeal in the absence of an order, indeed, there was nothing before me to suggest that the students were faced with any hardship. I recognize that the appeal has now been heard and disposed of and insofar as conviction has proved unsuccessful. This is not to suggest that it was not potentially meritorious when launched. I can only conclude from the Reasons for Judgment delivered by my colleagues that there were some deficiencies in the conduct of the trial but not of sufficient weight to affect the result.

In all of the circumstances, I have decided to decline to exercise my jurisdiction and accordingly this application is dismissed.



S. G. FISHER, Q.C.
Chairman.

Delivered: June 4, 1980.