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December 19, 2003

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**Your file: Elwin Hamilton**

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**Your file: reference claimant #100367**

**Re: Hepatitis C. Reference re  
Estate of Lois Jean Hamilton  
The Hon. R.S. Montgomery, Q.C.  
Our file: #HC038 RSM**

Please find enclosed Decision as to Costs dated  
December 17, 2003.

Yours sincerely,

The Hon. Robert S. Montgomery, Q.C.

RSM/mc  
Encl.

**IN THE MATTER OF A REFERENCE  
TO REVIEW THE DECISION OF THE ADMINISTRATOR  
UNDER THE HCV 1986-1990 TRANSFUSED SETTLEMENT AGREEMENT**

**BETWEEN:**

**CLAIM #1000367  
FROM THE PROVINCE OF ONTARIO**

**-AND-**

**THE ADMINISTRATOR OF THE HEPATITIS C  
CLASS ACTION SETTLEMENT**

**COUNSEL:**

**Philip P. Healey  
for the Claimant**

**Carolyn J. Horkins  
Fund Counsel representing the Administrator**

**DECISION AS TO COSTS**

As a referee under the Hepatitis C settlement, my sole jurisdiction arises from, and is limited by, the Settlement Agreement.

Appendix C to the Transfused HCV Plan sets out the powers of the referee and specifically deals with costs:

1. Powers of Referee

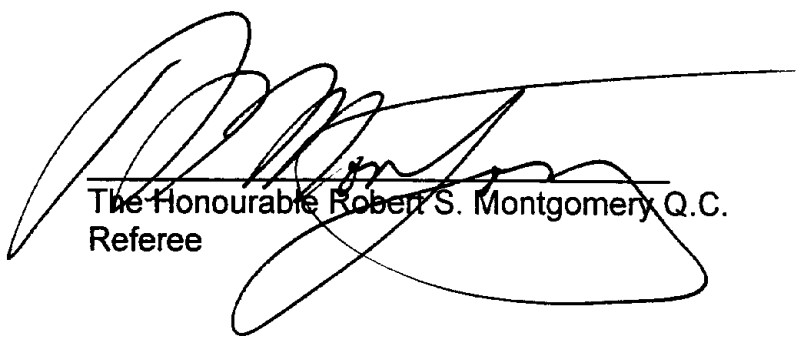
A Referee will have the power:

- (g) ... to award costs, in accordance with a tariff to be established by the Courts.

A referee or arbitrator has no jurisdiction to make an award beyond the amount stated in the tariff. The maximum allowed by the tariff is \$1,700. I, therefore, allow fees of \$1,700.

There is no jurisdiction to allow for travelling expenses to visit the office of the Administrator. I allow \$200 for hearing-related expense.

Dated at Toronto, this 17<sup>th</sup> day of December 2003.



The Honourable Robert S. Montgomery Q.C.  
Referee