

IMPORTANT NOTE: *This version is a translation of the original French version*

**SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)**

File No.: SDRCC 25-0762

**AUDREY ROUSSEAU
(Claimant)**

AND

**GYMNASTICS CANADA (GYMCAN)
(Respondent)**

AND

**TEGAN SHAVER
KAHLYN LAWSON
(Affected Parties)**

Before:

Patrice Brunet (Arbitrator)

Appearing

For the Claimant: Ms. Jacinthe Émard
Ms. Audrey Rousseau

For the Respondent: Ms. Jenny Trew

For the Affected Party
Tegan Shaver: Ms. Amanda Tambakopoulos

COSTS AWARD

I. INTRODUCTION

1. This Order is in respect of the Claimant's request for costs filed with the Sport Dispute Resolution Centre of Canada ("**SDRCC**") pursuant to Section 5.14 of the *Canadian Sport Dispute Resolution Code* (the "Code").
2. In my reasoned decision of March 18, 2025, I allowed the Claimant's appeal and ordered the Respondent to revise its objective points ranking list to include carding points from the 2024 Gymnix Challenge finals and to present to Sport Canada the new athlete nominations resulting from this review.
3. The Claimant submitted her request for costs on March 19, 2025, that is, within seven (7) days of the date that the reasoned decision was rendered, pursuant to Subsection 5.14 (b) of the Code. The Claimant filed her submissions on March 26, 2025, in which she claimed the filing fee incurred as part of this arbitration request, an amount totalling \$574.88.
4. The Respondent did not file submissions in response to the Claimant's request for costs. This Order is therefore made on the basis of the Claimant's written submissions.

II. APPLICABLE LAW

5. The rules for awarding costs in arbitration proceedings before the Ordinary Tribunal of the SDRCC are set out in Section 5.14 of the Code, which reads as follows:

5.14 Costs

(a) Except for the costs outlined in Section 3.8 and Subsection 3.7(e), and unless expressly stated otherwise in this Code, each Party shall be responsible for its own expenses and those of its witnesses.

(b) Where applicable, Parties seeking costs in an Arbitration shall inform the Panel and the other Parties no more than seven (7) days after the final award or decision on merits being rendered.

(c) The Panel shall determine whether there is to be any award of costs, including but not limited to legal fees, expert fees and reasonable disbursements, and the amount of any such award. In making its determination, the Panel shall consider the outcome of the proceeding, the conduct of the Parties and abuse of process, their respective financial resources, settlement offers and each Party's good faith efforts in attempting to resolve the dispute prior to or during Arbitration. Success in an Arbitration does not mean that the Party is entitled to costs.

(d) For matters under the CSSP, costs described in Subsection 5.14(a) may only be awarded against a Party where that Party's conduct has been abusive, vexatious, obstructive or has caused deliberate delay or unnecessary complication of the proceedings.

(e) A Party may raise with the Panel any alleged breach of this Code by any other Party. The Panel may take such allegation into account in respect of any cost award.

(f) Any filing fee charged by the SDRCC can be taken into account by a Panel if any costs are awarded.

(g) A reasoned decision on costs shall be communicated to the Parties within ten (10) days of the closing of cost submissions.

(h) Failure to comply with an award of costs within thirty (30) days may result in a suspension of that Party's right to participate in the proceedings.

(i) The Panel does not have jurisdiction to award damages, compensatory, punitive or otherwise, to any Party.

III. ANALYSIS

6. Pursuant to Subsection 5.14 (c) of the Code, in making its determination on a request for costs, the Tribunal shall consider the following criteria : the outcome of the proceeding, the conduct of the Parties and abuse of process, their respective financial resources, settlement offers and each Party's good faith efforts in attempting to resolve the dispute prior to or during Arbitration.
7. In this regard, I wish to emphasize and commend the good faith and respectful and collaborative conduct of the Parties throughout the arbitration proceedings. In both written and oral submissions, the Parties demonstrated a clear willingness to move the case forward in a constructive manner, and their behaviour facilitated the prompt and effective resolution of this matter in keeping with the spirit and goals of the arbitration process.
8. That being said, it is important to note that the Respondent did not file any submissions in response to the Claimant's request for costs. In the absence of a challenge or justification from the Respondent, and considering the admissibility and reasonableness of this request, I find that costs should be awarded as requested by the Claimant. This decision is all the more justified because the Respondent's silence at this point suggests that it does not object to the claim that was presented.
9. The absence of a challenge is not in itself grounds for awarding costs. I have analyzed this request taking into consideration the criteria set forth in Section 5.14 of the Code, specifically Subsection (f) and the reasonableness of the request, in a context where the Claimant showed restraint in

the use of SDRCC resources and in her request in general. I also found that the Respondent acted reasonably in an effort to simplify these proceedings.

10. Since my decision places the Parties in a position similar to that in which the Claimant would not have sought recourse before the SDRCC, considering that the SDRCC filing fee would not otherwise have been incurred, and considering that the Claimant did not incur any legal or expert costs, it seems reasonable to me that the filing fee be reimbursed by the Respondent to the Claimant.

IV. **DECISION**

11. The request for costs is allowed and I order the Respondent to pay to the Claimant the claimed amount of \$574.88 within thirty (30) days of this Order.

Paris, April 14, 2025.

Patrice Brunet, Arbitrator