

**Date: 20080122**

**Docket: T-2123-05**

**Citation: 2008 FC 80**

**BETWEEN:**

**ALEX BARTA**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**ASSESSMENT OF COSTS - REASONS**

**Charles E. Stinson**  
**Assessment Officer**

[1] The Court dismissed with costs this application pursuant to s. 41 of the *Privacy Act* concerning disclosure of information related to a complaint of criminal conduct against the Applicant. I issued a timetable for written disposition of the assessment of the Respondent's bill of costs.

[2] I refused for the following reasons the Applicant's request for an oral hearing before a judge of the assessment of costs. Rule 405 provides that costs shall be assessed by an assessment officer. Rule 2 includes judges in its definition of an assessment officer. The ordinary practice in the Federal Court is that an "officer of the Registry designated by an order of the Court", i.e. such as I, as that

phrase is used in Rule 2, assesses costs further to a judge's Rule 400(1) exercise of discretion to award them as here. I concluded that no reasons had been advanced for departure from this practice and that written disposition as opposed to an oral hearing would create for the Applicant, as a self-represented litigant, the best opportunity in these circumstances to precisely document in the record his position on assessable costs.

[3] The Applicant in reply essentially requested that I vacate the Respondent's entitlement to costs because of conduct of the Royal Canadian Mounted Police adverse to his interest. Said position is irrelevant in the face of a finding by the Court under rule 400(1), which I cannot disturb, that the Respondent is entitled to costs. Effectively, these circumstances are as if the Applicant had advanced no materials given the absence of any relevant representations which could have assisted me in identifying issues and making a decision. My view, often expressed in comparable circumstances, is that the *Federal Courts Rules* do not contemplate a litigant benefiting by having an assessment officer step away from a neutral position to act as the litigant's advocate in challenging given items in a bill of costs. However, the assessment officer cannot certify unlawful items, i.e. those outside the authority of the judgment and the tariff. I examined each item in the bill of costs and the supporting materials within those parameters.

[4] Certain items warrant my intervention further to my expressed parameters above and given what I perceive as general opposition to the bill of costs. Each side filed an interlocutory motion. As the resultant order was silent on costs, I disallow the counsel fees claimed for the motion further to my conclusions in *Balisky v. Canada (Minister of National Resources)*, [2004] F.C.J. No. 536

(A.O.) at para 6 and *Aird v. Country Park Village Properties (Mainland) Ltd.*, [2005] F.C.J.

No. 1426 (A.O.) at para. 10. I think that any associated disbursements should have been modest: I remove another \$35.00. There were other items which might have attracted disagreement, but their total amount is generally arguable as reasonable within the limits of the award of costs and they are allowed as presented. The Respondent's bill of costs, presented at \$2,867.10, is assessed and allowed at \$1,992.10.

---

"Charles E. Stinson"  
Assessment Officer

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-2123-05

**STYLE OF CAUSE:** ALEX BARTA v. AGC

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES**

**REASONS FOR ASSESSMENT OF COSTS:** CHARLES E. STINSON

**DATED:** January 22, 2008

**WRITTEN REPRESENTATIONS:**

Mr. Alex Barta FOR THE APPLICANT  
(self-represented)

Ms. Susanne Pereira FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

n/a FOR THE APPLICANT

John H. Sims, Q.C. FOR THE RESPONDENT  
Deputy Attorney General of Canada