

Federal Court



Cour fédérale

**Date: 20100602**

**Docket: T-270-09**

**Citation: 2010 FC 603**

**BETWEEN:**

**JULIAN BROWNING**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR AMENDED CERTIFICATE OF ASSESSMENT**

**Bruce Preston**  
**Assessment Officer**

[1] On April 12, 2010 a Certificate of Assessment was issued allowing the Respondent's costs at \$1,549.77.

[2] By way of order dated May 10, 2010, the Court dismissed the Respondent's motion for a review of the assessment of costs on the grounds that it was premature. In that order the Court stated "the better recourse in first instance is to move the Assessment Officer for reconsideration on the grounds that a matter which should have been dealt with has been overlooked or accidentally omitted".

[3] Further to the order of May 10, 2010, by way of letter dated May 14, 2010, counsel for the Respondent asked that this matter be brought to my attention.

[4] In its Bill of Costs filed February 4, 2010 the Respondent claimed 7 units under Item 2.

[5] In my decision of April 12, 2010, I refused to allow Item 2 and allowed 1 unit under Item 27 for the preparation and filing of a Notice of Appearance.

[6] Upon reviewing the Respondent's Bill of Costs, I note that I overlooked the fact that the Respondent had claimed for the preparation and filing of the Respondent's Record under Item 2.

[7] The parties having confirmed that neither intends to file further submissions concerning the assessment of costs. Therefore I will now assess Item 2 as it relates to the Respondent's Record.

[8] As the Applicant has not filed any submissions I will continue to rely on *Reginald R. Dahl v. HMQ* 2007 FC No.192 at paragraph 2.

[9] Following these reasons, I have reviewed the file; particularly the materials filed in support of the Bill of Costs and find the amount claimed under Item 2 to be reasonable. As I have previously allowed Item 27 at 1 unit for the Notice of Appearance, I now allow Item 2 at 6 units for the filing of the Respondent's Record.

[10] For the above reasons, the Respondent's Bill of Costs is assessed and allowed at \$2,329.77.

An Amended Certificate of Assessment will be issued.

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"Bruce Preston"  
Assessment Officer

Toronto, Ontario  
June 2, 2010

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-270-09

**STYLE OF CAUSE:** JULIAN BROWNING v. THE ATTORNEY GENERAL  
OF CANADA

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

**PLACE OF ASSESSMENT:** TORONTO, ONTARIO

**REASONS FOR ASSESSMENT OF COSTS:** BRUCE PRESTON

**DATED:** JUNE 2, 2010

**WRITTEN REPRESENTATIONS:**

N/A FOR THE APPLICANT

Brian Harvey FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Philip Kenneth Casey FOR THE APPLICANT  
Kingston, ON

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