

Date: 20070927

Docket: A-334-06

Citation: 2007 FCA 306

BETWEEN:

TOMASZ WINNICKI

Appellant

and

CANADIAN HUMAN RIGHTS COMMISSION

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Federal Court found the Appellant in contempt and sentenced him to nine months' imprisonment. The Federal Court of Appeal allowed his appeal addressing the term of the sentence by reducing it to time served, but directed that there be no order for costs of the appeal. The Court had previously ordered the Appellant's release pending appeal on strict conditions including the posting of cash bail of \$5,000.00 or its equivalent. In an interlocutory proceeding, the Respondent satisfied the Court that the Appellant had breached the bail conditions resulting in an order of forfeiture of \$1,000.00 of the bail and costs to the Respondent on a solicitor-client basis. I issued a timetable for written disposition of the Respondent's bill of costs.

[2] The Appellant did not file any materials in response to the Respondent's materials. 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 claimed in the bill of costs and the supporting materials within those parameters. In particular, I scrutinized the evidence to ensure that the claimed fees and disbursements did not address the substantive issues of the appeal for which the Court specifically directed that no costs be assessed.

[3] The bill of costs was prepared further to Column V of Tariff B. I am not convinced that Column V necessarily approximates solicitor-client costs, but its resultant amount may be appropriate in given circumstances: see *Canada (Minister of Citizenship and Immigration) v. Ahmed*, [2005] F.C.J. No. 1427 (A.O.). I am satisfied that the claimed amount of \$2,090.43 is arguably reasonable for the work required by this proceeding and I allow it as presented.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-334-06

STYLE OF CAUSE: TOMASZ WINNICKI v. CHRC

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: September 27, 2007

WRITTEN REPRESENTATIONS BY:

Joy Noonan
Judith Parisien

FOR THE APPELLANT

n/a

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Foord & Murray
Ottawa, ON

FOR THE APPELLANT

Philippe Dufresne
CHRC, Litigation Services Division
Ottawa, ON

FOR THE RESPONDENT