

Date: 20080410

Docket: A-655-05

Citation: 2008 FCA 135

BETWEEN:

RODERICK EVAN BROWN

Appellant

and

CANADA CUSTOMS AND REVENUE AGENCY

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Court dismissed with costs this appeal of a decision of the Federal Court which had dismissed an application for judicial review to set aside a determination that the Appellant had not made a voluntary disclosure of his failure to remit GST. I issued a timetable for written disposition of the assessment 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. The total amount claimed is generally arguable as reasonable within the limits of the award of costs and is allowed as presented at \$1,600.00.

“Charles E. Stinson”
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-655-05

STYLE OF CAUSE: RODERICK EVAN BROWN v. CCRA

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: April 10, 2008

WRITTEN REPRESENTATIONS:

n/a FOR THE APPELLANT

Ms. Jade Boucher FOR THE RESPONDENT

SOLICITORS OF RECORD:

Solmon Rothbart Goodman LLP FOR THE APPELLANT
Toronto, ON

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