

Docket: 2011-3228(IT)G  
2011-3161(GST)G

BETWEEN:

DAN MASON,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

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By: The Honourable Justice Campbell J. Miller

Appearances:

For the Appellant:                   The Appellant himself  
Counsel for the Respondent:       Mark Heseltine

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**ORDER**

IT IS HEREBY ORDERED that costs in the amount of \$13,800 plus disbursements of \$5,927.52 for a total of \$19,727.52 be payable by the Appellant within six months of the final disposition of the Appellant's appeal to the Federal Court of Appeal.

Signed at Ottawa, Canada, this 27th day of January 2015.

“Campbell J. Miller”

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C. Miller J.

Citation: 2015 TCC 23  
Date: 20150127  
Docket: 2011-3228(IT)G  
2011-3161(GST)G

BETWEEN:

DAN MASON,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

**REASONS RESPECTING SUBMISSIONS ON COSTS**

C. Miller J.

[1] The Respondent seeks costs in this Appeal in accordance with Tariff - Class C. I had asked the Parties to provide written submissions on costs due to the unique manner in which this case unfolded. I have received those written submissions and I am prepared to order costs in accordance with the draft Bill of Costs submitted by the Respondent with the Respondent's written submissions, in the amount of \$19,727.52.

[2] The trial of this matter was heard in two parts: the first on the 5th and 6th of February 2014, and the second on May 13, 2014. At the first hearing, the Appellant's sole submission was that any income from his accounting practice was not his, but belonged to a trust. He did not raise as an issue the accuracy of income and expenses attributable to the accounting practice. I found there was no trust and that any income was in fact the Appellant's income. The Respondent had not, at that stage, allowed for any expenses.

[3] It was my view, notwithstanding the Appellant's failure to address the numbers, that a further hearing was necessary to attempt to determine the true taxable income of Mr. Mason's accounting practice. I encouraged the Parties in the interim to sit down and settle this matter. They were unable to do so, notwithstanding several offers made by the Respondent.

[4] At the second phase of the trial, I ultimately accepted the Respondent's position on both the income and the expenses, though with respect to the GST Appeal, I slightly increased the Input Tax Credits conceded by the Crown. In effect, the Crown was substantially successful.

[5] Costs are at the Court's discretion, guided by the factors set out in Rule 147 of the *Tax Court of Canada Rules (General Procedure)*. I feel no need to go through each of these factors as they all so clearly point to an award of costs in favour of the Respondent. There is nothing in the Appellant's submissions to support any deviation from an award of costs in the cause, as sought by the Respondent. I find the Respondent's Bill of Costs is reasonable.

[6] I understand from the Appellant's submissions that he currently has no means to pay any costs award. I also note that he has appealed my decision. While I award costs in accordance with the attached Bill of Costs, I would allow the Appellant six months from the final disposition of this appeal at the Federal Court of Appeal within which to pay this costs award.

Signed at Ottawa, Canada, this 27th day of January 2015.

"Campbell J. Miller"

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C. Miller J.

2011-3228(IT)G  
TAX COURT OF CANADA

BETWEEN:

DAN MASON

Appellant

- and -

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2011-3161(GST)G  
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**RESPONDENT'S BILL OF COSTS**

**Tariff B – Class C**

<b>1.(1)</b>	<b><i>Services of Counsel</i></b>	
1(1)(a)	for all services in a proceeding prior to examination for discovery	\$700.00
1(1)(b)	for a discovery of documents or inspection of property	\$200.00
1(1)(c)	for a motion, examination for discovery, taxation of costs, taking evidence before hearing or cross-examination on an affidavit (including preparation) for each day or part day	
	➤ examination for discovery: October 3, 2012 and November 22, 2012	\$1,400.00
1(1)(g)	for preparation of hearing	\$950.00

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1(1)(h)	for conduct of the hearing, for each day or part day	
	➤ February 5 and 6, 2014	\$4,000.00
<i>Additional Service of Counsel</i>		
1(1)(a)	for all services in a proceeding prior to examination for discovery	
	➤ Amended Reply to the Notice of Appeal (dated February 14, 2014)	\$700.00
1(1)(c)	for a motion, examination for discovery, taxation of costs, taking evidence before hearing or cross-examination on an affidavit (including preparation) for each day or part day	
	➤ examination for discovery: April 9, 10 and 11, 2014	\$2,100.00
1(1)(d)	for preparation for and attendance at a pre-hearing conference	
	➤ trial management conference: February 21, 2014	\$350.00
1(1)(g)	for preparation of hearing	\$950.00
1(1)(h)	for conduct of the hearing, for each day or part day	
	➤ May 13, 2014	\$2,000.00
1(1)(i)	for all services after judgment	\$450.00
	<b>Subtotal:</b>	<b>\$13,800.00</b>

*Disbursements*

Canada Post: courier / mail	\$98.89
CORES / LTO / PPR: searches	\$177.00
Rileys: photocopying	\$398.50
Dicta Court Reporting: court reporting (October 3, 2012 & November 22, 2012)	\$1,385.15
Royal Reporting Services Ltd.: court reporting (April 9-11, 2014)	\$1,200.00
Royal Reporting Services Ltd.: trial transcripts (February 5-6, 2014)	\$1,638.00
Royal Reporting Services Ltd.: trial transcripts (May 13, 2014)	\$1,029.98

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**Subtotal: \$5,927.52**

**Total Services of Counsel and Disbursements: \$19,727.52**

DATED at the City of Edmonton, Alberta, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Taxing Officer

APPROVED AND CONSENTED TO:

\_\_\_\_\_  
Dan Mason

CITATION: 2015 TCC 23

COURT FILE NO.: 2011-3228(IT)G, 2011-3161(GST)G

STYLE OF CAUSE: DAN MASON AND HER MAJESTY THE QUEEN

PLACE OF HEARING: n/a

DATE OF HEARING: n/a

REASONS FOR ORDER BY: The Honourable Justice Campbell J. Miller

DATE OF ORDER: January 27, 2015

APPEARANCES:

For the Appellant	The Appellant himself
For the Respondent	Mark Heseltine

COUNSEL OF RECORD:

For the Appellant:

Name: n/a

Firm:

For the Respondent:

William F. Pentney  
Deputy Attorney General of Canada  
Ottawa, Canada