

Date: 20071002

Docket: T-1183-05

Citation: 2007 FC 997

BETWEEN:

KATHERINE MCCONNELL

Applicant

and

CANADA CUSTOMS AND REVENUE AGENCY

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] This application for judicial review of a decision of the Canadian Human Rights Commission was allowed in part with costs to the Applicant. I issued a timetable for written disposition of the assessment of the Respondent's bill of costs for certain interlocutory proceedings resulting in costs payable to the Respondent in any event of the cause.

[2] The Applicant 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. There were items which might have attracted disagreement, but the total amount claimed in the bill of costs is generally arguable as reasonable within the limits of the award of costs. The Respondent's bill of costs, presented at \$2,298.46, is assessed and allowed at \$2,538.46 (including the minimum item 26 counsel fee for the assessment of costs).

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1183-05
STYLE OF CAUSE: KATHERINE MCCONNELL v. CCRA

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON
DATED: October 2, 2007

WRITTEN REPRESENTATIONS:

n/a FOR THE APPLICANT
Kerry E.S. Boyd FOR THE RESPONDENT

SOLICITORS OF RECORD:

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Deputy Attorney General of Canada