

Date: 20071018

Docket: T-840-06

Citation: 2007 FC 1081

BETWEEN:

RAFAEL SHARHAR

Plaintiff

and

MINISTER OF NATIONAL REVENUE

Defendant

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Plaintiff brought a statutory appeal of decisions by the Defendant concerning currency seized further to the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (the Act) by way of this action. He subsequently discontinued this action after the Defendant notified him that a motion for summary judgment would be brought given the latter's admission of his breach of the Act. I issued a timetable for written disposition of the assessment of the Defendant's bill of costs presented further to Rule 402.

[2] Counsel for the Plaintiff indicated that he was unable to locate his client for instructions and therefore could not consent to the costs sought. He noted that the amount claimed was excessive and

for a straightforward defence. 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.

[3] I examined each item claimed in the revised bill of costs within those parameters. There were items which might have attracted disagreement, but the total amount claimed is generally arguable as reasonable for the circumstances of this action and is allowed as presented at \$2,180.83.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-840-06

STYLE OF CAUSE: RAFAEL SHARHAR v. MNR

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: October 18, 2007

WRITTEN REPRESENTATIONS:

Mr. Harvey A. Swartz FOR THE PLAINTIFF

Mr. Richard Casanova FOR THE DEFENDANT

SOLICITORS OF RECORD:

Harvey A. Swartz FOR THE PLAINTIFF
Barrister & Solicitor
Downsview, ON

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