

Date: 20080123

Docket: T-917-06

Citation: 2008 FC 86

BETWEEN:

DR. NOEL AYANGMA

Applicant

and

THE TREASURY BOARD OF CANADA

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] This application for judicial review of a decision of an adjudicator pursuant to the *Public Service Staff Relations Act* addressing fraudulent travel claims and unauthorized absences from work was dismissed with maximum Column V costs. I issued a timetable for written disposition of the assessment of the three bills of costs presented by the Respondent addressing costs of the judicial review and certain motions.

[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 bills of costs within those parameters. There were items which might have attracted disagreement, but the total amount claimed in each bill of costs is generally arguable as reasonable within the limits of the awards of costs.

[3] One of the bills of costs was presented for an order dated February 8, 2007, silent on costs and striking a party. I think that this was an inadvertent slip as there was a second order on February 8, 2007, permitting the Applicant to introduce new evidence but awarding costs to the Respondent in any event of the cause. The Respondent's bills of costs are assessed and allowed as presented at \$7,960.00 (judicial review), \$645.00 (motion to strike) and \$885.00 (motion for new evidence).

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-917-06

STYLE OF CAUSE: DR. NOEL AYANGMA v. THE TREASURY BOARD
OF CANADA

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES**

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: January 23, 2008

WRITTEN REPRESENTATIONS:

n/a FOR THE APPLICANT

Mr. Richard E. Fader FOR THE RESPONDENT

SOLICITORS OF RECORD:

n/a FOR THE APPLICANT

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