

Date: 20080709

Docket: IMM-739-98

Citation: 2008 FC 851

BETWEEN:

ISTVAN SZEBENYI

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Plaintiff brought this action for damages further to alleged negligent handling of a sponsorship application concerning his mother's bid for permanent residence. On May 15, 2006, the Court dismissed the action and directed written submissions within ten days if the parties could not agree on costs. There ensued correspondence by both sides some of which on the part of the Plaintiff asserted certain limits on the Defendant's entitlement to costs and an intention to appeal (the appeal was eventually dismissed with costs). On June 20, 2006, the Court awarded Column III costs to the Defendant. I issued a timetable for written disposition of the assessment of the Defendant's bill of costs.

[2] The Plaintiff did not file any materials in response to the Defendant'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.

[3] Certain items warrant my intervention in view of my expressed parameters above as I feel that the Defendant cannot establish entitlement thereto notwithstanding the absence of objections from the Plaintiff, but given early opposition on the part of the Plaintiff to the result. Certain interlocutory decisions were silent on costs and others allowed costs. For those decisions silent on costs, I disallow the claims for counsel fees and associated disbursements further to my conclusions in *Balisky v. Canada (Minister of Natural Resources)*, [2004] F.C.J. No. 536 (A.O.) at para. 6 and *Aird v. Country Park Village Properties (Mainland) Ltd.*, [2005] F.C.J. No. 1426 (A.O.) at para. 10.

[4] I think that the conduct here of a self-represented litigant resulted in less than efficient proceedings. The balance of the Defendant's claims in the bill of costs is very modest in those circumstances and is allowed as presented. The Defendant's bill of costs, presented at \$18,192.41, is assessed and allowed at \$14,167.31.

“Charles E. Stinson”
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-739-98

STYLE OF CAUSE: ISTVAN SZEBENYI v. HMQ

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: July 9, 2008

WRITTEN REPRESENTATIONS:

n/a FOR THE PLAINTIFF
(self-represented)

Lorne McClenaghan FOR THE DEFENDANT

SOLICITORS OF RECORD:

n/a FOR THE PLAINTIFF
(self-represented)

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