

Date: 20071010

Docket: A-657-04

Citation: 2007 FCA 319

BETWEEN:

SHAFIK DOSSA

Applicant

and

**PENSION APPEALS BOARD and MINISTER OF
HUMAN RESOURCES AND DEVELOPMENT**

Respondents

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Court dismissed with costs this application for judicial review of a decision of the Pension Appeals Board concerning a long-term disability pension. I issued a timetable for written disposition of the assessment of the Respondents' bill of costs.

[2] Counsel for the Respondents filed a supporting affidavit, did not lead any written submissions in chief and indicated that he would await the Applicant's submissions before responding. Counsel for the Applicant indicated that, in the absence of submissions by the Respondents, the Applicant was not in a position to make reply submissions and that no further submissions regarding the assessment of costs were forthcoming. I view these circumstances as

indicative of the absence of consent by the Applicant to the amount of costs sought. 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] One item does warrant intervention. I disallow counsel fee item 24 further to my conclusions in *Marshall v. Canada*, [2006] F.C.J. No. 1282 at para. 6 (A.O.) that there must be a visible direction by the Court to the assessment officer specifically authorizing fees for the time of counsel in transit. Such a direction is not however necessary to assess the associated travel disbursements. The other items of costs are reasonable in these circumstances. The Respondents' bill of costs, presented at \$2,985.30, is assessed and allowed at \$2,343.30.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-657-04

STYLE OF CAUSE: SHAFIK DOSSA
v. PENSION APPEALS BOARD et al.

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

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: October 10, 2007

WRITTEN REPRESENTATIONS:

n/a FOR THE APPLICANT

n/a FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Norain a. Mohamed FOR THE APPLICANT
Calgary, AB

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