

Date: 20071221

Docket: A-3-04

Citation: 2007 FCA 412

BETWEEN:

BJARNE AASLAND

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] After a Notice of Status Review and certain orders and directions permitting the Appellant to perfect his materials concerning his appeal of a decision of the Tax Court of Canada, the Court dismissed his appeal with costs. I issued a timetable for written disposition of the assessment of the Respondent's bill of costs.

[2] The Appellant 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.

[3] I examined each item claimed in the bill of costs and the supporting materials within those parameters. The amount claimed (\$353.90 for the transcript of the proceeding in the Tax Court of Canada) is reasonable in these circumstances. As requested, I add an allowance for counsel fee item 26 (assessment of costs) of \$240.00 (the minimum in the available range) leaving the Respondent's bill of costs assessed and allowed at \$593.90.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-3-04

STYLE OF CAUSE: BJARNE AASLAND v. HMQ

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: December 21, 2007

WRITTEN REPRESENTATIONS:

n/a

FOR THE APPELLANT
(self-represented)

Penny L. Piper
Jeff Pniowsky

FOR THE RESPONDENT

SOLICITORS OF RECORD:

n/a

FOR THE APPELLANT

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

FOR THE RESPONDENT