

**Date: 20090909**

**Docket: A-591-07**

**Citation: 2009 FCA 260**

**BETWEEN:**

**WILLIAM J. HASIUK**

**Appellant**

**and**

**HER MAJESTY THE QUEEN**

**Respondent**

**ASSESSMENT OF COSTS - REASONS**

**Bruce Preston**  
**Assessment Officer**

[1] By way of Judgment dated October 1, 2008, the Court dismissed the Appellant's appeal with costs.

[2] On June 24, 2009 the Respondent filed its Bill of Costs together with a letter requesting an assessment of the Bill of Costs by way of written submission. The letter also contained written submissions concerning costs.

[3] On July 7, 2009 a direction was issued setting a timetable for the filing of materials.

[4] The time limits set by the direction have now passed and at this time no further materials have been filed by either party.

[5] In *Reginald R. Dahl v. HMQ* 2007 FC 192; [2007] F.C.J. No.256 at paragraph 2, the assessment officer stated:

Effectively, the absence of any relevant representations by the Plaintiff, which could assist me in identifying issues and making a decision, leaves the bill of costs unopposed. My view, often expressed in comparable circumstances, is that the *Federal Courts Rules* do not contemplate a litigant benefiting by an assessment officer stepping away from a position of neutrality 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.

[6] Following the reasons cited above, I have reviewed the decision of the Court, the court file and materials filed in support of the assessment. As all items claimed fall within the authority of the judgment and the Tariff, assessable services and disbursements will be allowed as claimed.

[7] For the above reasons, the Bill of Costs, presented at \$2,320.00, is allowed as presented. A certificate of assessment will be issued.

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“Bruce Preston”  
Assessment Officer

Toronto, Ontario  
September 9, 2009



**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-591-07

**STYLE OF CAUSE:** WILLIAM J. HASIUK v.  
HER MAJESTY THE QUEEN

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

**PLACE OF ASSESSMENT:** TORONTO, ONTARIO

**REASONS FOR ASSESSMENT OF COSTS:** BRUCE PRESTON

**DATED:** SEPTEMBER 9, 2009

**WRITTEN REPRESENTATIONS:**

N/A FOR THE APPELLANT

Jessica Brice-Drader FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Joy Casey Barrister & Solicitor FOR THE APPELLANT  
Toronto, ON

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