

Date: 20070823

Docket: T-1970-05

Citation: 2007 FC 850

BETWEEN:

BRUCE & LINDA ROSS

Plaintiffs

and

**THE MINISTER OF CANADA CUSTOMS
AND REVENUE AGENCY,
CUSTOMS BORDER SERVICES AGENCY**

Defendants

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] The Court dismissed with costs this appeal concerning a levy, paid by the Plaintiff, Bruce Ross, for the return of goods and a conveyance, which was held as forfeit. I issued a timetable for written disposition of the assessment of the Defendants' bill of costs.

[2] The Plaintiffs did not file any materials in response to the Defendants' 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 materials. As the bill of costs claims the minimum values respectively for the counsel fee items and does not claim any disbursements, it is allowed as presented at \$2,640.00.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1970-05

STYLE OF CAUSE: BRUCE & LINDA ROSS v. THE MINISTER OF
CANADA CUSTOMS AND REVENUE et al.

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

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: August 23, 2007

WRITTEN REPRESENTATIONS:

n/a FOR THE PLAINTIFFS

Mr. Don Klaasen FOR THE DEFENDANTS

SOLICITORS OF RECORD:

n/a FOR THE PLAINTIFFS

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