

Date: 20070823

Docket: T-1059-05

Citation: 2007 FC 851

BETWEEN:

BARRY K. PUGH

Applicant

and

**THE MINISTER OF PUBLIC WORKS
AND GOVERNMENT SERVICES**

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] This application for judicial review of a decision of the Public Service Commission Appeal Board confirming the screening of the Applicant out of a job competition was dismissed with costs. I issued a timetable for written disposition of the assessment of the Respondent's bill of costs.

[2] The Applicant 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.

I examined each item claimed in the bill of costs and the supporting materials within those parameters.

[3] The Respondent claimed an item 4 (counsel fee) of \$480.00 and a disbursement for \$45.00 associated with a motion to remove certain respondents. The consent order was silent on costs.

I disallow these two amounts further to my conclusion 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. There were other items which might have attracted disagreement, but their total amount is generally arguable as reasonable within the limits of the award of costs. The Respondent's bill of costs, presented at \$3,435.95, is assessed and allowed at \$2,910.95.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1059-05

STYLE OF CAUSE: BARRY K. PUGH v. THE MINISTER OF PUBLIC
WORKS AND GOVERNMENT SERVICES

**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 APPLICANT

Mr. Alexandre Kaufman FOR THE RESPONDENTS

SOLICITORS OF RECORD:

n/a FOR THE APPLICANT

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