

Date: 20070927

Docket: T-1309-05

Citation: 2007 FC 973

BETWEEN:

CANADIAN HUMAN RIGHTS COMMISSION

Applicant

and

TOMASZ WINNICKI

Respondent

REASONS FOR JUDGMENT

Charles E. Stinson
Assessment Officer

[1] The Court found the Respondent in contempt, sentenced him to nine months' imprisonment and ordered him to pay solicitor-client costs. The Federal Court of Appeal reduced the term of his sentence, but left the award of costs undisturbed. I issued a timetable for written disposition of the assessment of the Applicant's bill of costs.

[2] The Respondent did not file any materials in response to the Applicant'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. The bill of costs was prepared further to Column V of Tariff B. I am not convinced that Column V necessarily approximates solicitor-client costs, but its resultant amount may be appropriate in given circumstances: see *Canada (Minister of Citizenship and Immigration) v. Ahmed*, [2005] F.C.J. No. 1427 (A.O.)

[3] The Court's disposition of the initial motion for issuance of a show cause order reserved the matter of costs to the judge presiding over the contempt hearing. Contempt proceedings are criminal or quasi-criminal in nature and require proof beyond a reasonable doubt. I think that the claimed amount of \$18,788.81 is arguably reasonable for the work required by this proceeding and I allow it as presented.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1309-05

STYLE OF CAUSE: CHRC v. TOMASZ WINNICKI

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: September 27, 2007

WRITTEN REPRESENTATIONS BY:

Joy Noonan
Judith Parisien

FOR THE APPLICANT

n/a

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Philippe Dufresne
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FOR THE APPLICANT

Dominic Lamb
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FOR THE RESPONDENT