

**Date: 20071019**

**Docket: A-396-05**

**Citation: 2007 FCA 331**

**BETWEEN:**

**GERALDINE M. WILLISTON**

**Appellant**

**and**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,  
AS REPRESENTED BY THE MINISTER OF INDIAN  
AFFAIRS AND NORTHERN DEVELOPMENT**

**and**

**THE CHIPPEWAS OF RAMA INDIAN BAND  
(aka THE CHIPPEWAS OF MNJIKANING FIRST NATION)**

**Respondents**

**ASSESSMENT OF COSTS - REASONS**

**Charles E. Stinson  
Assessment Officer**

[1] The Court dismissed with costs this appeal from a decision of the Federal Court concerning renewal of a lease on reserve lands. I issued a timetable for written disposition of the bill of costs of the Respondent, Her Majesty the Queen in right of Canada, as represented by the Minister of Indian Affairs and Northern Development (the Crown Respondent).

[2] The Appellant did not file any materials in response to the Crown 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 amended bill of costs and the supporting materials within those parameters. The total amount claimed is generally arguable as reasonable within the limits of the award of costs and is allowed as presented at \$2,436.92.

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"Charles E. Stinson"  
Assessment Officer

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-396-05

**STYLE OF CAUSE:** GERALDINE M. WILLISTON v. HMQ et al.

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

**REASONS FOR ASSESSMENT OF COSTS:** CHARLES E. STINSON

**DATED:** October 19, 2007

**WRITTEN REPRESENTATIONS:**

n/a FOR THE APPELLANT

Ms. Shelley Quinn FOR THE RESPONDENT, Her Majesty the Queen in right of Canada as represented by the Minister of Indian Affairs and Northern Development

n/a FOR THE RESPONDENT, The Chippewas of Rama Indian Band

**SOLICITORS OF RECORD:**

Gowling Lafleur Henderson LLP FOR THE APPELLANT  
Kitchener, ON

John H. Sims, Q.C. FOR THE RESPONDENT, Her Majesty the Queen in right of Canada as represented by the Minister of Indian Affairs and Northern Development  
Deputy Attorney General of Canada

McCarthy Tétrault LLP FOR THE RESPONDENT,  
Toronto, ON The Chippewas of Rama Indian Band