

Date: 20080410

Docket: A-179-06

Citation: 2008 FCA 134

BETWEEN:

BALINT VASARHELYI

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ASSESSMENT OF COSTS - REASONS

Charles E. Stinson
Assessment Officer

[1] A copy of these reasons is filed in Federal Court of Appeal file A-180-06 and applies there accordingly. The Appellant's failure to perfect the appeal book as prescribed by interlocutory order resulted in dismissals with costs of these appeals from decisions of the Tax Court of Canada.

I issued a timetable for written disposition of the assessment of the respective bills of costs of the Respondent.

[2] The Appellant 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 each bill of costs and the supporting materials within those parameters. The total amounts claimed are arguable as reasonable within the limits of the respective awards of costs and are allowed as presented at \$789.99 (A-179-06) and \$762.17 (A-180-06).

“Charles E. Stinson”
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-179-06

STYLE OF CAUSE: BALINT VASARHELYI v. HMQ

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF THE PARTIES

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: April 10, 2008

WRITTEN REPRESENTATIONS:

n/a FOR THE APPELLANT
(self-represented)

Ms. Lynn Burch FOR THE RESPONDENT

SOLICITORS OF RECORD:

n/a FOR THE APPELLANT

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