

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130419**

**Docket: A-89-12**

**Citation: 2013 FCA 108**

**CORAM: NOËL J.A.  
GAUTHIER J.A.  
TRUDEL J.A.**

**BETWEEN:**

**RANDY OLLENBERGER**

**Appellant**

**and**

**HER MAJESTY THE QUEEN**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on April 19, 2013.

**REASONS FOR ORDER BY:**

**NOËL J.A.**

**CONCURRED IN BY:**

**GAUTHIER J.A.  
TRUDEL J.A.**

Federal Court of Appeal



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Appellant

and

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**REASONS FOR ORDER**

**NOËL J.A.**

[1] This is a motion brought by the appellant pursuant to Rule 397 of the *Federal Courts Rules*, SOR/98-106 seeking the reconsideration of the judgment issued in the present matter insofar as it restricted the award of cost to the costs of the appeal. The appellant properly brings to our attention the fact that the costs of the appeal as well as costs before the Tax Court were sought.

[2] The motion is accordingly allowed, and the judgement is amended so as to also grant the appellant his costs before the Tax Court.

“Marc Noël”

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J.A.

“I agree.

Johanne Gauthier J.A.”

“I agree.

Johanne Trudel J.A.”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-89-12

**STYLE OF CAUSE:** RANDY OLLENBERGER and HER  
MAJESTY THE QUEEN

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** Noël J.A.

**CONCURRED IN BY:** Gauthier J.A.  
Trudel J.A.

**DATED:** April 19, 2013

**WRITTEN REPRESENTATIONS BY:**

Patrick Lindsay FOR THE APPELLANT

Cynthia Isenor FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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