

CITATION: 1000069368 *Ontario Inc. v. 2700688 Ontario Inc.*, 2026 ONSC 3062
COURT FILE NO.: CV-25-00750842 and CV-25-00753700
DATE: 20260526

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: 1000069368 ONTARIO INC. Applicant/Respondent

AND:

2700688 ONTARIO INC. Respondent/Applicant

BEFORE: Schabas J.

COUNSEL: John Mather and Max Libman, for 1000069368 Ontario Inc.

Raghav Vig, for 2700688 Ontario Inc.

HEARD: In writing

COSTS ENDORSEMENT

- [1] On March 16, 2026, I granted the application of 1000069368 Ontario Inc. (“10000” or “the applicant”) and dismissed the application of 2700688 Ontario Inc. (“2700” or “the respondent”): *1000069368 Ontario Inc. v. 2700688 Ontario Inc.*, 2026 ONSC 1576. I have now received the parties’ costs submissions.
- [2] The parties agree that 10000 should be awarded costs on a partial indemnity scale; the only issue is quantum. 10000 submits it should receive \$31,680 in fees, plus \$4118.40 for HST and \$495.56 for disbursements, totalling \$36,293.96. 2700 submits that 10000’s claim is excessive and that costs should be fixed in the amount of \$17,713.37, including HST and disbursements.
- [3] Under the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s. 131(1), there is broad discretion in determining costs. Subrule 57.01(1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, lists factors to be considered. In addition, the court should have regard to the principle of proportionality and seek to balance the indemnity principle with the objective of facilitating access to justice. The overall objective is to fix an amount that is fair and reasonable for the unsuccessful party to pay in the particular circumstances: *Boucher v. Public Accountants Counsel for Ontario* (2004), 71 O.R. (3d) 291 (C.A.).
- [4] The awarding of costs is not an exact science. As the overarching principle is that costs must be fair, reasonable, and proportionate, the court need not engage in an exact measure or detailed analysis of the dockets: *Boucher*, at para. 26; *Harley v. Harley*, 2023 ONSC 4611, at paras. 34-35; *Bender v. Dulovic*, 2023 ONSC 4753, at paras. 24-25; *Persampieri v. Hobbs*, 2018 ONSC 368, at para. 33, citing *Zesta Engineering Ltd. v. Cloutier* (2002), 21

C.C.E.L. (3d) 161 (Ont. C.A.), at para. 4; *Brophy v. Harrison*, 2019 ONSC 4377, at para. 15, citing *Apotex Inc. v. Egis Pharmaceuticals* (1991), 4 O.R. (3d) 321 (C.A.).

- [5] I find the amount sought by the applicant to be reasonable. The application had some complexity, both in law and fact, and was made more complex by the respondent's response and separate application which raised a number of new issues. It is well-accepted that applicants' costs are often considerably higher than respondents' costs as the applicant must build its case as well as respond to defences raised. This is what happened in this case, which helps to explain the disparity in the Costs Outlines submitted by the parties.
- [6] The issues were of importance to both parties. While the matter appears to have been efficiently litigated by dealing with both applications together, in my view, the respondent ought reasonably to have expected to face a bill similar to that presented by the applicant, which I find to be reasonable in the circumstances.
- [7] Accordingly, 10000 shall be awarded costs in the total amount of \$36,293.96, inclusive of HST and disbursements.

Paul B. Schabas J.

Date: May 26, 2026