

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Journey Capital Inc., Plaintiff

AND:

Guy Chartrand also known as Guy Joseph Chartrand also known as Guy J Chartrand, Defendant

BEFORE: Justice Grant R. Dow

COUNSEL: *Mark Lieberman*, for the Plaintiff

HEARD: June 16, 2026

ENDORSEMENT

- [1] This matter was referred to me on June 12, 2026 as an in-writing motion, presumably pursuant to the February 26, 2026 Endorsement of Justice Koehnen which set out the process by which the plaintiff could obtain an in-writing default judgment as against the defendant.
- [2] The defendant was the president and CEO of Freight world Logistics Inc. and personally guaranteed repayment of a loan for \$100,000 made by the plaintiff on February 29, 2024. Repayment of the loan was to occur in the amount of \$2,052.46 per week over the next 65 weeks. As of the default on January 2, 2025, the outstanding amount was \$53,681.67.
- [3] If the process set out by Justice Koehnen was followed, the in-writing default motion was to be heard the week of April 13, 2026.
- [4] The Motion Record is deficient. First, the Endorsement of Justice Koehnen required the Motion Record, together with a copy of his Endorsement, the Noting in Default and the form of Judgment sought by the plaintiff to be served on the defendant in accordance with this Court's decision in *Casa Manila Inc. v. Iannuccilli*, 2018 ONSC 7083. That decision sets out the reasons for best practices requiring personal service on the defendant in matters such as this one. The Affidavit of Service of the legal assistant at counsel for the plaintiff deposes sending Justice Koehnen's Endorsement, the Motion Record only by regular mail. It is to the same address and the problem is compounded by the fact the Statement of Claim was originally served on a Marlene Chartrand, not the defendant, as a "person who appeared to be adult member of the same household".
- [5] Second, neither the Motion Record or other material uploaded to Case Center contains a draft Judgment.

- [6] Third, the Factum identified pre-judgment interest being sought pursuant to the terms of the agreement at 47.03 percent per year and make submissions about how this is justified. This is in the face of federal legislation more recently passed that interest in excess of 35 percent per year violates Section 347 of the *Criminal Code*. In support of its submission, the plaintiff relies on *Lundy's Regency Arms Corp. v. Niagara Hospitality Hotels Inc.*, 2016 ONSC 4199. I would note that decision also considers Section 130 of the *Courts of Justice Act*, R.S.O.1990, c.C.43 which allows for the Court to vary all or part of any claim for prejudgment interest.
- [7] Fourth, the Factum provided sought legal costs on a partial indemnity scale as “particularised in Journey’s Bill of Costs submitted”. No Bill of Costs was contained within the Motion Record, Factum or uploaded to Case Center.
- [8] As a result, the plaintiff’s motion is dismissed. It is dismissed without prejudice to it being renewed on fresh material that will hopefully address the concerns which I raised. This Endorsement shall be brought to the attention of the judge who hears the matter.
- [9] For clarity, I am not seized.

Mr. Justice G. Dow

Date: June 16, 2026