

CITATION: Mansoor v. iMining et al, 2026 ONSC 3672
COURT FILE NO.: CV-22-676691-0000
MOTION HEARD: In-writing

SUPERIOR COURT OF JUSTICE – ONTARIO

RE: PRINCE MANSOOR, plaintiff

AND:

IMINING TECHNOLOGIES INC. et al, defendants

BEFORE: ASSOCIATE JUSTICE R. FRANK

COUNSEL: Prince Mansoor, plaintiff¹
Adam Wainstock for the defendant, Khurram Mirza
Saleem Moosa, self-represented defendant
Dwain Pereira, self-represented defendant
Khurram Shroff, self-represented defendant

HEARD: In-writing

COSTS ENDORSEMENT

[1] By Reasons for Decision dated April 29, 2025, I granted the plaintiff leave to amend the statement of claim to add Khurram Mirza, Saleem Moosa, Khurram Shroff, and Dwain Pereira as defendants in this action.² I also ordered that the added defendants are entitled to plead the limitation period as a defence.

[2] The parties were encouraged to try to reach an agreement with respect to costs of this motion. I directed that if they were unable to do so, they were to make written costs submissions. The parties were unable to reach an agreement on costs.

The plaintiff's position on costs

[3] The plaintiff seeks costs on a substantial indemnity basis in the amount of \$88,979.70 inclusive of fees, disbursements and taxes. In the alternative, the plaintiff seeks costs on a partial indemnity basis in the amount of \$60,284.26.

[4] The plaintiff submits that he was entirely successful on the motion because leave was granted to add the four proposed added defendants to the action without prejudice to their right to

¹ The plaintiff's costs submissions indicate that they were delivered by the plaintiff in a self-represented capacity. It appears that no notice of intention to act in person has been filed with the court.

² *Mansoor v. iMining et al*, 2026 ONSC 2533

plead the limitation period as a defence. He submits that the added defendants failed with respect to all of the grounds they advanced in opposition to the motion, namely: the limitation period; failure to plead a viable cause of action; non-compensable prejudice; abuse of process; and that funds paid into court were a basis to refuse their joinder to the action. He also noted my finding that certain amendments relate to claims based on events between April and December 2023 that are not statute-barred.

[5] The plaintiff submits that the amounts he is seeking are fair, reasonable and proportionate. In this regard, he notes the amount in issue in the action, the hourly rates of the lawyer who acted for him on the motion, and the nature of the allegations in the action. He also submits that the quantum of costs he seeks would have been within the expectation of the proposed added defendants as unsuccessful responding parties to the motion.

[6] The plaintiff argues that elevated costs are justified because the conduct of the opposing parties made the proceedings unnecessarily complex and expensive. In this regard, he complains about the conduct of the defendants and proposed added defendants in connection with various steps to date in the action, as well as in respect of the steps leading to the hearing of this motion.

[7] The plaintiff submits that in the event any costs ordered are not paid, I should convene a further hearing at which he would be entitled to seek remedies under Rule 57.03(2) and Rule 60 of the *Rules of Civil Procedure*.

Position of the defendants

[8] The defendant Mirza submits that:

- it is incorrect to say that the plaintiff was wholly successful because the decision on this motion did not finally determine the limitations issue. Mr. Mirza asserts that he may ultimately be successful in his limitations defence.
- his opposition was based on only one ground, namely, the expiry of the limitation period;
- the costs sought by the plaintiff are disproportionate to the work that ought to have been required for this motion, and therefore much higher than expected or appropriate;
- the excessive costs claimed were the result of piecemeal and disorganized work by the plaintiff's lawyer in preparing the motion materials and with respect to other steps in respect of this motion (as previously noted by the court in October 2025);
- there is no basis for the court to order costs on an elevated scale;
- it is not in within the reasonable expectation of the responding parties that, if unsuccessful, they would face costs in the amount that the plaintiff seeks; and

- costs of the motion should either be in the cause, or alternatively fixed in the amount of \$8,000 to \$10,000, all inclusive, to be divided between the responding parties and not on a joint and several basis.

[9] Each of the other added defendants also made costs submissions. Those submissions echoed Mr. Mirza's submissions, including the submission that the plaintiff incorrectly claims to have been wholly successful. They reiterate that the main substantive basis for opposing the motion (the limitations issue) remains to be determined at a later date. The other added defendants also argue that:

- the basis for the plaintiff's costs claim is uncertain given that the plaintiff now purports to be acting in a self-represented capacity, although no notice of intention to act in person has been filed. They submit that this raises questions as to whether there is an actual indemnifiable expense, and that no costs order should be made that would result in a windfall to the plaintiff as opposed to compensation for actual costs incurred;
- there is no basis at this time to order the pre-emptive enforcement remedies sought by the plaintiff; and
- the plaintiff's complaints about prior conduct of the existing corporate defendants are inapplicable to them.

[10] Like Mr. Mirza, they submit that costs of the motion should be in the cause, or in the alternative fixed in a modest amount in the \$3,000-\$10,000 range and apportioned individually to the added defendants rather than made payable on a joint and several basis.

ANALYSIS

[11] I have reviewed and considered the parties' respective written costs submissions. In addition, I am guided by the factors set out in Rule 57.01(1) when awarding costs. I am mindful of the stated purposive approach to costs as set out in *394 Lakeshore Oakville Holdings Inc. v. Misek*, 2010 ONSC 7238 at paragraph 10. Costs rules are designed to: (1) indemnify successful litigants for the costs of litigation, although not necessarily completely; (2) facilitate access to justice, including access for impecunious litigants; (3) discourage frivolous claims and defences; (4) discourage inappropriate behaviour by litigants in their conduct of the proceedings; and (5) encourage settlements. The overriding principles in determining costs are fairness and reasonableness; see *Boucher v. Public Accountants Council for the Province of Ontario*, 2004 CanLII 14579 (ON CA).

[12] In this case I make the following conclusions on the issue of costs:

1. Although the plaintiff was successful on the motion, the main issue in dispute on the motion – the limitations period – has not been finally determined. Leave to add the

additional defendants was granted without prejudice to their right to plead a limitation defence.

2. The format and timing of materials delivered by the plaintiff contributed to the delay in hearing the motion.
3. There is some uncertainty as to whether the costs claimed by the plaintiff have been incurred given that the plaintiff purported to deliver his costs submissions as a self-represented plaintiff. It appears that no notice of intention to act in person has been filed in the court record.
4. In terms of quantum, a costs award for this motion must reflect a fair and reasonable amount that should be paid by the responding parties rather than any exact measure of the actual costs incurred by the plaintiff: *Davies v. Clarington (Municipality)*, 2009 ONCA 722 at para. 52. Costs should be fixed in an amount that is fair and reasonable in this particular proceeding, having regard to the expectations of the parties concerning the quantum of costs: *Boucher* at paras. 26 and 38. Here, the quantum claimed by the plaintiff is excessive and is not in an amount that an unsuccessful party could reasonably expect to pay in relation to a motion of this nature.
5. Based on the written costs submissions of the parties and considering all relevant factors, there is no basis to make a costs order on an elevated scale.

[13] I also find that, at this time, there is no basis to order any additional / pre-emptive remedies with respect to costs.

[14] In my view, taking into consideration all the factors discussed above, it is fair and reasonable to order as follows:

1. Costs of the motion are fixed on a partial indemnity basis in the amount of \$16,000, inclusive of disbursements and taxes.
2. The costs shall be paid by the four added defendants, Mr. Mirza, Mr. Moosa, Mr. Shroff and Mr. Periera, apportioned equally and individually between them in the amount of \$4,000 for each of those defendants. For greater certainty, the costs are not payable on a joint and several basis.
3. The costs ordered to be paid are payable to the plaintiff in the cause.

DATE: June 23, 2026

R. Frank Associate J.