

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
BRAMPTON SMALL CLAIMS COURT**

**B E T W E E N :**

**SHAFIQ UR REHMAN RAJA**

**Plaintiff**

**- and -**

**THE PERSONAL INSURANCE COMPANY**

**Defendant**

**COSTS DECISION**

**JENNEY D.J.**

- (1) The trial of this matter was heard on January 7<sup>th</sup>, 2025. My decision was rendered on January 10<sup>th</sup>, 2025. In that decision, I invited the parties to resolve the costs issue between themselves. They have not been able to do so, and have made their submissions to me in writing with respect to costs.
- (2) The Defendant was wholly successful in defending the Plaintiff's Claim. In the Defendant's costs submissions, they note that the Plaintiff sought \$24,111.46 in damages. By the Courts of Justice Act, there is a costs limit of 15% of the claim, which in this case would be a ceiling of \$3,616.72. The Defendant seeks this amount in costs for their fees. I agree that this is reasonable and so award.

- (3) The Defendant further seeks disbursements of \$8,440.04. The Courts of Justice Act limitation of 15% does not apply to disbursements. This is a substantial amount and invites close scrutiny from this court.
- (4) It appears that the substantial majority of the disbursements is for the expert evidence of Mr. William Jennings. There is no question that this expert's evidence was crucial for the Defence. Mr. Jennings' evidence clearly assisted this court significantly in making the decision. It was an expense that was both necessary and reasonable for the Defendant to incur. As such, it is a reasonable expense for the Defendant to seek compensation from the Plaintiff.
- (5) The expenses for service, filing, and for the transcripts are more nominal and are also reasonable under the circumstances.
- (6) For all of the above reasons, the Defendant shall have its costs from the Plaintiff in the amount of \$3,616.72 in fees plus \$8,440.04 in disbursements, plus post judgment interest as per the Courts of Justice Act.

Dated this 19<sup>th</sup> day of February, 2025.



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Small Claims Court Deputy Judge T. Jenney

Released Date: February 20, 2025