

**CITATION:** Robbins v. Yekani, 2020 ONSC 7325  
**COURT FILE NO.:** CV-18-138584  
**DATE:** 20201127

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Lori Robbins, Plaintiff

**AND:**

Martar Yekani, Defendant

**BEFORE:** The Honourable Mr. Justice R.E. Charney

**COUNSEL:** Meredith Harper, Counsel for the Defendant

**HEARD:** In-Writing

**ENDORSEMENT**

- [1] On October 8, 2020, I granted the defendant's motion to compel the plaintiff to fulfill her outstanding undertakings (2020 ONSC 6148).
- [2] The parties have been unable to agree to costs. Pursuant to para. 30 of the Endorsement, the defendant filed his costs submissions on October 28, 2020. The plaintiff's costs submissions were due 15 days later (on November 12, 2020), but no submissions were filed.
- [3] On November 5, 2020, the plaintiff filed a notice of change of solicitors. The plaintiff has not requested an extension of the deadline for filing her costs submissions, but, given her recent change of solicitors, I have waited until November 27, 2020 before releasing this decision.
- [4] The defendant seeks costs on a substantial indemnity basis in the amount of \$5,913, or, in the alternative, \$3,542 on a partial indemnity basis.
- [5] While the motion was in writing, the defendant points to the fact that multiple attempts were made to resolve this issue without a motion. Indeed, this was the second motion brought by the defendant to compel the plaintiff to fulfill her undertakings.
- [6] While the motion was fairly straightforward, the defendant did have to prepare a factum to support the motion.
- [7] In my view, this is not a case that merits costs on a substantial indemnity basis. That said, in the absence of any costs submissions from the plaintiff, I have no basis to question the reasonableness of the defendant's claim for \$3,542 costs on a partial indemnity basis.

[8] Costs fixed at \$3,542 payable by the plaintiff to the defendant within 30 days.

A handwritten signature in black ink, appearing to read "R.E. Charney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Justice R.E. Charney

**Date:** November 27, 2020