



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

**Brampton**

**ORDER OF THE COURT**

**AMENDED MAY 19/26 ✓ KKA**

Claim No. SC-19-00004797-0000

**BETWEEN**

Aviva Insurance Company of Canada

Plaintiff(s)

and

1801359 Ontario Inc. , Carrying on business as Peel Preferred Collision Center; Nadarajah Karunakaran

Defendants(s)

**BEFORE:** Deputy Judge ANDERSON

**HELD BY:**  In person  Videoconference  Teleconference  In writing  Hybrid

**DATE:** May 04, 2026 at 10:00am

**EVENT TYPE:** Motion on notice

**APPEARING:** (Names, emails, and phone numbers)

Plaintiff(s): Aviva Insurance Company of Canada (aimtiaz@ztgh.com)

Present

Representative: ADAM IMTIAZ (aimtiaz@ztgh.com) (416-777-2811) x 5113

Present

Defendant(s): 1801359 Ontario Inc. (905-451-5008)

Present

Representative:

Present

Defendant(s): Nadarajah Karunakaran

Present

Representative:

Present

Claim No. SC-19-00004797-0000

**ORDER OF THE COURT**

On *May 04, 2026* a hearing was held in the above matter and the following order was made:

In preparation for today, I reviewed Plaintiff/Moving Party's Notice of Motion and Supporting Affidavit (43 pages). I heard submissions of counsel for Plaintiff/Moving Party. The evidence shows that on Feb8/24, Plaintiff requested a trial date and paid the required filing fee of \$308 by credit card. There is NO evidence that the Court rejected this request. Thus, a trial date should have been assigned; instead, ✓ on Jan27/25, the Clerk issued an Order dismissing Plaintiff's Claim for delay ("Dismissal Order"). KKA

What puzzles me is that the electronic Court History Record ("CHR") has no entry for the Dismissal Order but has an entry of Nov5/24 of an Order Dismissing Claim for Delay. Plaintiff/Moving Party's counsel had no information on this point. I also do not see an entry in the CHR of Plaintiff's trial request on Feb8/24. In fact, there is no entry between Feb3/20 (when a settlement conference was held) and today's date which is the motion before me. I have no information to address this gap in time and entries.

Could it be possible that entries for the CHR in this matter were inputted to another matter?

I am satisfied that the motion must be granted because to not grant the motion would cause unfairness to Plaintiff. Moreover, unfairness would ensue if Plaintiff had to pay again to request a trial.

ON MAY 14, 2026, THE CLERK CONFIRMED THAT MY MAY 4/26 ORDER DOES NOT CONFORM WITH THE CHR. THUS I AMEND THIS ORDER.

- 1. I grant the motion; ✓ KKA
- 2. I set aside the Clerk's Order dated ~~January 27, 2025~~ November 5, 2024 ✓ that dismissed the action for delay; KKA
- 3. The Clerk of the Court shall assign the earliest available trial date, ~~—~~ upon payment of required trial fee; ✓ KKA
- ~~4. The Clerk of the Court shall correct the CHR in this matter; and~~
- 4. ~~5.~~ No costs are payable today. ✓ KKA

Thus, while the Supporting Affidavit of Plaintiff/Moving Party has evidence that the trial fee was paid, the Clerk of the Court has confirmed that payment of a trial fee is returned when a matter is dismissed due to delay. In my opinion, the best course of action would be for Plaintiff to pay the trial fee within 30 days.

✓ KKA

AMENDED MAY 19/26 ✓ KKA

May 4, 2026  
Date

*Deputy Judge Karen Kwan Anderson*  
Signature of Judicial Official