

2015 CarswellOnt 16988,

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Rivera v. British Columbia Life & Casualty Co.

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Ontario Superior Court of Justice

Milanetti J.

Judgment: October 26, 2015

Docket: Hamilton 15-52791

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Counsel: Mr. Jonah Waxman, for Applicant

Subject: Civil Practice and Procedure

Civil practice and procedure

Milanetti J.:

1 Order to go as per draft filed. Costs should be paid to the moving party, as it is clear that this motion stems from an erroneous approach taken by the LTD Carrier. They deducted IRBs from the amount they were to pay the Applicant. This approach is acknowledged to have been inappropriate. The draft reflects same. The matter should have been resolved without the need for today's convoluted hearing. I have no confidence that it would have been resolved but for it. Costs should be paid to the Applicant on a partial indemnity scale in the sum of \$3,500.00 inclusive of HST and disbursements. While the Respondent argued that this matter falls within the small claims court jurisdiction, this matter was complex and more appropriate to be heard in this court given the significance to the Applicant and potentially the industry.

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