

CITATION: [REDACTED] v. Klick Inc. dba Klick Health
COURT FILE NO.: CV-24-00086955-00OT
DATE: 20250917

SUPERIOR COURT OF JUSTICE – ONTARIO

RE: [REDACTED], Plaintiff

AND:

KLICK INC. dba KLICK HEALTH, Defendant

BEFORE: Firestone RSJ.

COUNSEL: *N. Y. Chsherbini*, for the Plaintiff

C. Cunningham and *M. Stemmler*, for the Defendant

HEARD: September 17, 2025, In Writing

COSTS ENDORSEMENT

[1] In my endorsement dated July 22, 2025, I dismissed the defendant's motion to transfer this action from Hamilton (Central South Region) to the Toronto Region. In that endorsement I set a timetable for the delivery of cost submissions regarding the motion. I have received and reviewed those submissions.

[2] In accordance with section 131(1) of the *Courts of Justice Act*, R.S.O.1990, c.C.43 costs are in the discretion of the Court. Rule 57.01 of the *Rules of Civil Procedure* identifies the factors the court may consider when exercising its discretion to award costs.

[3] The overriding principle is that the amount of costs is to be reasonable in the circumstances. The court is to determine a reasonable amount to be paid by the unsuccessful party rather than an exact measure of the actual costs.: *Davies v. Clarington (Municipality)* (2009), 100 O.R. (3d) 66 ONCA, paras 51-52 applying *Boucher v. Public Accountants Counsel for the Province of Ontario* (2004), 71 O.R. (3d) 291.

[4] I have applied the applicable legal principles to the procedural history and factual matrix of the proceeding. I fix the costs of this motion on a partial indemnity basis in the amount of \$10,500.00 inclusive of fees, disbursements and HST such amount which I determine to be fair and reasonable. This amount is payable by the defendant to the plaintiff within 30 days.

S. J. Firestone RSJ.
Firestone RSJ.

Date: September 17, 2025