

Case Name:

Jordan v. Durham Condominium Corporation No. 23

Between

Randall Jordan, Applicant, and
Durham Condominium Corporation No. 23, Respondent

[2006] O.J. No. 2234
Court File No. 38133/05

Ontario Superior Court of Justice
D.S. Ferguson J.

Heard: November 30, 2005.

Judgment: June 6, 2006.

(4 paras.)

Counsel:

James A. Scott, for the Applicant

George F. Vella, for the Respondent

ENDORSEMENT ON COSTS

¶ 1 **D.S. FERGUSON J.** (endorsement):— I have read the material submitted by counsel.

¶ 2 I conclude the Respondent is entitled to its costs on a substantial indemnity scale for these reasons:

- (a) The Application was frivolous and brought in bad faith.
- (b) The Applicant alleged fraud and did not prove it.
- (c) The Respondent made an offer which was more favourable to the Applicant than the outcome.

¶ 3 I have considered the bill of costs of the Respondent.

¶ 4 I fix costs at \$21,800.00 payable forthwith by the Applicant to the Respondent.

D.S. FERGUSON J.

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