

COURT OF APPEAL FOR ONTARIO

CITATION: Hectare Inc. (Hectare GMAC Real Estate) v. Goodman, 2012  
ONCA 820  
DATE: 20121126  
DOCKET: C55320

Winkler C.J.O., Pepall J.A., and Smith J. (*ad hoc*)

BETWEEN

Hectare Inc., o/a Hectare GMAC Real Estate

Plaintiff (Appellant)

and

Hugh Goodman, 1517418 Ontario Inc., David Burn, Bennett Burn LLP, Carman  
McLelland, and McLelland Law

Defendants (Respondents)

Chris J. Cosgriffe and A. Blackwood, for appellant

Michael R. Kestenberg, for the respondents

Heard and released orally: November 21, 2012

On appeal from the judgment of Justice Matlow of the Superior Court of Justice,  
dated January 26, 2012.

ENDORSEMENT

[1] While the motion judge's reasons are brief and not detailed, we are satisfied that he reached the correct result. The plaintiff has already obtained the judgment for the full amount of their loss in a separate lawsuit.

[2] Furthermore, based upon the record before us, we are not persuaded there is a genuine issue requiring a trial because the plaintiff has not established damages as against these defendants.

[3] Accordingly, the appeal is dismissed. Costs to the respondents in the amount of \$10,000 inclusive of disbursements and applicable taxes.

“Winkler C.J.O.”

“S.E. Pepall J.A.”

“Patrick Smith J. (*ad hoc*)”