

COURT OF APPEAL FOR ONTARIO

CITATION: Maple Leaf Foods Inc. v. Ryanview Farms, 2022 ONCA 898

DATE: 20221222

DOCKET: C67938

Doherty, Tulloch and Thorburn JJ.A.

BETWEEN

Maple Leaf Foods Inc.

Plaintiff/Defendant by Counterclaim
(Respondent)

and

Ryanview Farms, James Theodore Smith and Velma Jean Smith

Defendants/Plaintiffs by Counterclaim
(Appellants)

Martha A. Cook, for the appellants

Benjamin Waterman, for the respondent

Heard: January 4, 2022 by video conference

On appeal from the judgment of Justice John A. Desotti of the Superior Court of Justice, dated December 12, 2019, with reasons at 2019 ONSC 7160.

COSTS ENDORSEMENT

[1] By reasons dated July 15, 2022, the appellants were substantially successful in their appeal of the quantum of damages: 2022 ONCA 532.

[2] As the parties were not able to reach an agreement on the costs of the appeal, we invited them to make written submissions following the hearing. After reviewing the submissions, we are of the view that costs should follow the event, and in the circumstances of this particular case, should reflect more of what the court views as a fair and reasonable amount that should be paid by the unsuccessful party rather than any exact measure of the actual costs to the substantially successful litigant.

[3] Accordingly, costs are hereby fixed in the amount of \$27,000, inclusive of HST and all disbursements. This costs order is to be paid forthwith by the respondent, Maple Leaf Foods Inc., to the appellants.

“Doherty J.A.”
“M. Tulloch J.A.”
“J.A. Thorburn J.A.”