

COURT OF APPEAL FOR ONTARIO

CITATION: *Furney v. Hazan*, 2025 ONCA 165

DATE: 20250303

DOCKET: COA-24-CV-0620

Hourigan, Favreau and Dawe JJ.A.

BETWEEN

Maryam Furney and Alex Aidan Furney

Plaintiffs (Appellants)

and

Steven Hazan, Ambassador Mortgage Solutions Inc.,
Dominion Lending Centres Inc.*, 2380376 Ontario Limited,
Ian Minton, Samir Chhina*, Paulina Diaco Carlile
and Simon A. Hildyard or Simon A. Overton

Defendants (Respondents*)

Maryam Furney and Alex Aidan Furney, acting in person

Sahil Kesar, for the respondent, Dominion Lending Centres Inc.

Julia Wilkes and Jocelyn Howell, for the respondent, Samir Chhina

Heard: January 23, 2025

On appeal from the order of Justice R. Lee Akazaki of the Superior Court of Justice,
dated May 21, 2024.

COSTS ENDORSEMENT

[1] In our Reasons for Decision dated January 31, 2025, we allowed the appeal against Samir Chhina (“Mr. Chhina”) and dismissed the appeal against Dominion Lending Centres Inc.: see *Furney v. Hazan*, 2025 ONCA 73. The order of the

motion judge was set aside as it relates to Mr. Chhina. The costs order of the motion judge in relation to Mr. Chhina was also set aside.

[2] We invited the appellants and Mr. Chhina to make written submissions about the costs below and the costs of this appeal.

[3] The appellants seek costs of the appeal and the motion below in the total amount of \$35,000. Mr. Chhina submits that the appellants, as self-represented litigants, have not satisfied the conditions for obtaining a fee allowance as set out by this court, as they have not established that they have forgone remunerative activity because of time and effort devoted to work ordinarily done by a lawyer: see *Girao v. Cunningham*, 2021 ONCA 18, at para. 9, citing *Benarroch v. Fred Tayar & Associates P.C.*, 2019 ONCA 228, 433 D.L.R. (4th) 112, at paras. 19, 27; *Fong v. Chan* (1999), 46 O.R. (3d) 330 (C.A.), at para. 26. Accordingly, Mr. Chhina submits that no costs or, in the alternative, only a modest lump sum allowance is warranted.

[4] We agree that the appellants have not met their evidentiary onus. We award the appellants costs of the motion in the Superior Court and the appeal, in the total all-inclusive amount of \$10,000, payable by Mr. Chhina.

“C.W. Hourigan J.A.”

“L. Favreau J.A.”

“J. Dawe J.A.”