

CITATION: Soft Breeze Inc. v. Yellow Pages Digital & Media Solutions Ltd., 2025 ONSC
1466

DIVISIONAL COURT FILE NO.: DC-24-00000660-0000

DATE: 20250307

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE: SOFT BREEZE INC., Appellant

AND:

YELLOW PAGES DIGITAL & MEDIA SOLUTIONS LTD., Respondent

BEFORE: Shore J.

COUNSEL: *Sina Golkar*, the self-represented Appellant

Sina Jaber, the self-represented Respondent

HEARD at Toronto: March 3, 2025

ENDORSEMENT

[1] This is an appeal of the Small Claims Court Decision of Deputy Judge Prattas dated September 24, 2024 (“Decision”).

[2] Soft Breeze Inc. (“Appellant”) claimed damages of \$35,000 from Yellow Pages Digital & Media Solutions Ltd. (“Respondent”) for breach of contract and gross negligence based on a failure to publish the Appellant’s ads in 2020 and 2021. The Respondent claimed \$7,050.10 in unpaid invoices from the Appellant.

[3] Deputy Judge Prattas dismissed both claims. In oral reasons delivered on September 24, 2024, Justice Prattas found that there was insufficient evidence to prove the damages claimed by the Appellant or the amounts claimed by the Respondent. There was no order as to costs.

[4] The Appellant submits that the Decision fails to disclose sufficient reasons.

[5] For the reasons below, I find that the reasons of Deputy Judge Prattas are sufficient to permit meaningful and effective appellate review. The appeal is dismissed.

Background:

[6] The Appellant is a company that provides heating, ventilation, and air conditioning services in the Greater Toronto Area (“GTA”).

[7] In 2001, the Appellant started buying advertisements in the Respondent’s Yellow Pages phone books. The Appellant advertised in the Yellow Pages until at least 2020. The Appellant submits that the print ads were his primary source of business over the years.

[8] In March 2020, the parties entered into a contract in which the Respondent agreed to post online ads for the Appellant in the Yellow Pages. In April 2020, the Appellant changed his mind, and requested that the Respondent place print ads in the Yellow Pages books and distribute them throughout the GTA. However, the Respondent failed to publish the Appellant's ads in some of the 2020 editions of the Yellow Pages, for reasons that are in dispute.

[9] The Appellant commenced an action against the Respondent in the Small Claims Court for breach of contract, gross negligence, and breach of the *Consumer Protection Act*, 2002, S.O. 2002, c. 30, Sched. A., claiming \$35,000 in damages plus costs. The Appellant submitted that he suffered more damages but is claiming the Small Claims Court maximum.

[10] The Respondent brought a crossclaim, seeking compensation from the Appellant for unpaid invoices for services provided in 2020.

[11] On September 24, 2024, Deputy Judge Prattas dismissed the claims in an oral decision. The Appellant appeals that decision on the grounds that the reasons were insufficient.

Law and Analysis:

[12] The issue before this Court is whether Deputy Judge Prattas’ reasons are sufficient to permit meaningful and effective appellate review.

[13] The leading case on the sufficiency of Small Claims Court reasons is *Maple Ridge Community Management Ltd. v. Peel Condominium Corporation No. 231*, 2015 ONCA 520, 389 D.L.R. (4th) 711. To permit meaningful appellate review, a court’s reasons must adequately express “what” was decided and “why” it was decided: *Maple Ridge*, at para. 24. The “what” is the verdict and the “why” is the basis for the verdict: *R. v. R.E.M.*, 2008 SCC 51, [2008] 3 SCR 3, at para. 17.

[14] In this case, the “what” is not in dispute. The Appellant submits that the judge failed to provide reasons as to the “why” it was decided.

[15] In determining the sufficiency of reasons, the context of the Small Claims Court must be considered. Specifically, its informal nature, high caseload, and mandate to efficiently resolve disputes: *Maple Ridge*, at para. 35. Small Claims Court reasons do not need to be as thorough as those of the Superior Court. As explained by the Ontario Court of Appeal in *Maple Ridge*:

[34] The Small Claims Court is mandated under s. 25 of the Courts of Justice Act, R.S.O. 1990, c. C.43, to "hear and determine in a summary way all questions of law and fact and may make such order as is considered just and agreeable to good conscience." The Small Claims Court plays a vital role in the administration of justice in the province by ensuring meaningful and cost effective access to justice for cases involving relatively modest claims for damages. In order to meet its mandate, the Small Claims Court's process and procedures are designed to ensure that it can handle a large volume of cases in an efficient and economical manner.

[35] Reasons from the Small Claims Court must be sufficiently clear to permit judicial review on appeal. They must explain to the litigants what has been decided and why: *Doerr v. Sterling Paralegal*, 2014 ONSC 2335, at paras. 17-19. However, appellate consideration of Small Claims Court reasons must recognize the informal nature of that court, as well as the volume of cases it handles and its statutory mandate to deal with these cases efficiently. In short, in assessing the adequacy of the reasons, context matters: *Massoudinia v. Volfson*, 2013 ONCA 29, at para. 9. Just as oral reasons will not necessarily be as detailed as written reasons, reasons from the Small Claims Court will not always be as thorough as those in Superior Court decisions. Failing to take the Small Claims Court context into account only serves to restrict access to justice by unnecessarily imparting formality and delay into a legal process that is designed to be informal and efficient.

[16] The oral reasons given in this case (not including the reasons for costs) consisted entirely of the following:

I am here to give you my decision regarding the court actions that were referred to earlier by the court clerk.

I am not going to be preparing long, detailed reasons for judgement, nor am I going to be reciting all the evidence, et cetera, that was heard during the trial. The expectation is that judgments are delivered from the bench are brief and to the point. So that is what I will be doing today.

I just wanted to note first that both parties were self-represented at the trial. With respect to the plaintiff's claim, the plaintiff seeks damages of \$35,000 for Yellow Pages' non-publication in June 2020, which was during the COVID-19 lockdown, for the year June 2020 to June 2021 publications. The court finds that there was insufficient evidence to prove the damages claimed, and therefore the plaintiff's claim is dismissed.

With respect to the defendant's claim, the plaintiff-by-defendant's claim claims \$7,050.10 for unpaid invoices. The plaintiff in the defendant's claim has the onus of proving its case on a balance of probabilities. The court finds that there was

insufficient evidence to prove the amounts claimed. The evidence was not clear as to what exactly was alleged owing by the defendant by defendant's claim, and the amounts appeared inconsistent with the defendant's claim. Accordingly, the defendant's claim is dismissed.

[17] I recognize that the reasons with respect to the Appellant's claims are sparse, sparser than with respect to the Respondent's claim. However, Deputy Judge Prattas' reason given for dismissing the claim is that the Appellant failed to prove the damages. The Deputy Judge highlights that the reduction in revenue was during the COVID-19 lockdown, an important consideration when determining damages based on a reduction in revenue in those years.

[18] Even if the court finds that the reasons of the Small Claims Court are facially incapable of appellate review, the court is obliged to consider the record before the trial judge to determine if the reasons were more comprehensible when read in the context of this record: *Maple Ridge*, at para 30. The level of requisite detail in reasons will be lessened “[w]here the record discloses all that is required to be known to permit appellate review”: *Hill v. Hamilton-Wentworth Police Services Board*, 2007 SCC 41, [2007] 3 S.C.R. 129, at para. 101. If a detailed record is available, the appellate court should not intervene “simply because it thinks the trial court did a poor job expressing itself”: *R. v. Sheppard*, 2002 SCC 26, [2002] 1 S.C.R. 869, at para. 26.

[19] I find that on review of the record, and in the context of this case, the reasons of Deputy Judge Prattas are sufficient to permit meaningful and effective appellate review.

[20] The Appellant relied on two primary arguments during the Small Claims Court proceeding and repeated them on appeal:

- (a) There was a reduction in revenue in the years in which his ads were not printed; and
- (b) He won a similar case in 2006.

[21] In this context, Deputy Judge Prattas' comment that the reduction in revenue took place during the COVID-19 lockdown provides sufficient reason for the finding that the Appellant failed to prove his damages. The reduction in revenue was as a result of failing to print the ads, rather than the shut-down during COVID-19.

[22] The Appellant was aware of other weaknesses in his case that contributed to the Deputy Judge's findings. In his written closing statement at trial, filed with the appeal record, the Appellant addresses the issue of his failure to prove his case. At pages 2-3 of his closing submissions, he stated that between his loss of revenue in 2020 and the results of his 2006 case, he “was confident it would be easy for the court to agree with [his] case”, but throughout the court session he “realized that possibly because of the complexities of this case”, including the fact that businesses such as his “are affected by the change in the average temperature and weather in different years, the court didn't follow [his] logic in proving [his] case or possibly [he] didn't present [his] case as well as [he] should have.”

[23] Further, the financial statements that the Appellant relied on to show the reduction in revenue show fluctuations and are inconsistent with the Appellant's case, as pointed out by the Respondent during the trial and during the appeal.

[24] In this context, it is clear why the Deputy Judge found that there was insufficient evidence to prove the damages claimed. On review of the record, it is clear why the Appellant's case was dismissed. I find that the reasons of Deputy Judge Prattas are sufficient to permit meaningful and effective appellate review.

[25] The Respondent is not seeking costs.

[26] Appeal dismissed without costs to either party.

Shore J.

Date: March 7, 2025