

CITATION: Ledsham v. Heinen, 2025 ONSC 6749
DIVISIONAL COURT FILE NO.: 474/25
DATE: 20251203

SUPERIOR COURT OF JUSTICE – ONTARIO DIVISIONAL COURT

RE: ANTHONY LEDSHAM, Appellant

AND:

HEINEN, HUTCHISON LLP., ALEXANDER CAMPBELL WALKER SMITH,
Respondents

BEFORE: Justice S. Nakatsuru

COUNSEL: *Ali Amani*, for the Appellant

Aiofe Quinn, Herschel Chaiet, for the Respondents

HEARD: In Toronto, December 2, 2025

ENDORSEMENT

[1] Anthony Ledsham retained the respondent law firm for legal services regarding a dispute with his employer who had launched an investigation into his conduct after he had raised concerns about his pension fund. After a breakdown in their relationship, the law firm terminated the retainer agreement and refunded the entire retainer to Mr. Ledsham. Mr. Ledsham then brought a claim against the law firm and Alex Smith, the firm’s lawyer who represented him, for \$35,000 in small claims court for breach of contract, professional negligence and professional malpractice.

[2] The small claims court rejected Mr. Ledsham’s action. The deputy judge found that Mr. Ledsham’s claim he was improperly induced to retain the law firm was unsubstantiated. Mr. Smith’s testimony was accepted and his educational qualifications were as they were represented to Mr. Ledsham. In addition, the deputy judge determined that the law firm did not breach any term of the retainer nor were any professional obligations violated. Finally, the deputy judge held that even if any breach had been proven, which was not, Mr. Ledsham had not proven he had suffered any damages.

[3] On appeal, the appellant submits that the deputy judge committed reversible errors and denied him procedural fairness.

[4] As an aside, Mr. Ledsham though represented by counsel, was permitted to make submissions on his own behalf as was his wish. He was clear and concise on the points he made.

[5] I would not give effect to any of the grounds of appeal.

[6] The appellant argues that the court erred in law by preventing him from introducing relevant evidence regarding his emotional stress injuries and damages. The court then found that his injuries were not established on the evidence. It is submitted that this failure to consider all the relevant evidence constitutes an error of law and a breach of the small claims court's statutory mandate.

[7] No such error was committed. The appellant had every opportunity to present the evidence required to establish his causes of action. When the appellant attempted to supplement the trial evidence during his oral reply submissions to the court, the deputy judge appropriately intervened and prevented this. This was not simply rebuttal arguments made by the appellant in reply.

[8] The appellant further submits the deputy judge erred by denying his claims for emotional distress and mental injuries based on a lack of medical evidence when such medical evidence is not always required to establish mental injuries. Rather these damages should be recoverable where they are a foreseeable result of the defendant's conduct, which was supported by the evidence in this matter.

[9] The deputy judge did not err in law. She did not require expert medical evidence to establish this. Rather, the deputy judge simply determined that on the evidence led in this case, the appellant had fallen short of establishing emotional and mental injury. No palpable or overriding error has been shown regarding this issue.

[10] Additionally, there is little merit to the appellant's submission that the deputy judge erred in law by requiring expert evidence regarding breaches of professional standards since the breaches in the case were obvious and egregious including fraud, serious misrepresentation, and breach of fiduciary duty. The appellant's allegations of fraud, serious misrepresentation, and breach of fiduciary duty were not factually proven, so they could not give rise to the exceptions to this requirement for obvious breaches. The factual findings made have not been impeached on appeal. No breach, let alone obvious ones, were established. Thus, it was not an error of law for the trial judge to reason that expert evidence was required to prove a breach of a professional standard of care in the circumstances of the case before her.

[11] Given that the liability findings stand, it is unnecessary to address the appellant's discrete grounds of appeal on the deputy judge's alternative decision made regarding his failure to prove damages.

[12] Lastly, the appellant has not established that the deputy judge breached any standards of professional fairness. The trial took two full days to complete. Each side was afforded the opportunity to present their case in full.

[13] The appellant complains that he was required to deal with written closing submissions at the last minute without an adjournment. However, he expressly consented to proceed without an adjournment. As a result, he cannot complain of procedural unfairness now on appeal. Due to the efforts of the deputy judge, she ensured that the appellant had access to the paralegal who had

previously represented the appellant at his trial. He rejected the assistance of the paralegal on the day of closing submissions which he decided to make on his own. Moreover, he confirmed that he was comfortable proceeding that day with the deputy judge though she expressly stated she was open to doing these submissions on another day.

[14] Additionally, as noted above, the court's rejection of the appellant's attempt to introduce new evidence of his disability leave and damages arising from his PTSD during his reply submissions was appropriate. I further observe that when he testified, the appellant was questioned by his paralegal about his mental and emotional injuries.

[15] The deputy judge took all required steps to ensure procedural fairness.

[16] The appeal is therefore dismissed.

[17] Regarding costs, as per the agreement of the parties, the appellant is to pay the respondents \$7,000 all inclusive.

Justice S. Nakatsuru

Released: December 3, 2025