

CITATION: Kutlarovski v. Angela Assuras Professional Corp., 2026 ONSC 35
COURT FILE NO.: CV-24-00005174-0000
DATE: 2026-01-02

SUPERIOR COURT OF JUSTICE – ONTARIO

Milton Court 491 STEELES AVE E, MILTON, ONTARIO, L9T 1Y7

RE: LAMBRINI KUTLAROVSKI and ZORAN KUTLAROVSKI, Applicants

AND:

ANGELA ASSURAS PROFESSIONAL CORPORATION,
Respondent

BEFORE: Justice McSweeney

COUNSEL: Murtaza Yailagi, for the Applicants

Manshu Luo, for the Respondent

HEARD: December 31, 2025, by Video Conference

ENDORSEMENT

[1] Respondent law firm Angela Assuras Professional Corporation (“Ms. Assuras”) moves to set aside Registrar’s order of December 2024 for assessment of her accounts on the basis that the Kutlarovski applicants (“clients”) failed to request the assessment within the 30-day time period set out in section 3 of the *Solicitor’s Act*.

[2] The Order to Assess was dated December 18, 2024. Ms. Assuras did not receive it from her former clients until July 2025, when the assessment hearing had been booked. Ms. Assuras then moved promptly and successfully to have the Assessment hearing, that was scheduled for September 2025, adjourned until this motion was determined.

[3] I clarify as a starting point for the determination of this motion that, and as page A54 of the Case Center record shows, the Kutlarovski clients sought and obtained an “order for assessment” under s. 3 of the *Solicitor’s Act*.

[4] Per its terms, and as specifically stated on the form completed by the clients, section 3 assessments can be ordered by a Registrar only where (i) the retainer is not in dispute; (ii) the requester does not assert “special circumstances”. The final statutory requirement is (iii) that the request be made within 30 days of receipt of the account(s) to be assessed.

[5] In this case the first two factors are plainly made out on the face of the request for assessment (see page A54 in Case Center).

[6] Therefore, the only fact to be determined by the Court on this motion is whether the accounts sought to be assessed were received within 30 days prior to the request for assessment.

[7] There is no dispute that the accounts were “received” by the clients at least by November 18, 2024, and that thereafter they sought an assessment order from the Registrar within the following 30 days.

[8] However, Ms. Assuras asserts in her affidavit that she first sent the accounts by email to Mr. Kutlarovski on September 27, 2024 as attachments to an email. She re-sent them at her clients’ request in November 2024.

[9] Mr. Kutlarovski asserts in his affidavit that he did not receive the accounts by email in September 2024, which is why his friend followed up with Ms. Assuras and ultimately received them in November 2024.

FACT-FINDING AND DECISION:

[10] Having reviewed the records of the parties and heard counsel’s submissions, I find on a balance of a probabilities that the disputed accounts did not come to the clients’ attention until they were sent, or re-sent, by Ms. Assuras in November 2024.

[11] In reaching that conclusion I consider that the record indicates that *emails* were sent by Ms. Assuras to the clients on September 27, 2024. It is not clear that the accounts said to be “attached” were in fact attached to her email. Nor is there any indication in the “Re:” line that the email attached the client’s final accounts.

[12] That is, the emails sent by Ms. Assuras appeared with a “Re:” line only naming the file, no mention of “Final account” or “attachment” in any of those subject lines.

[13] I find that whether Ms. Assuras’ September 2024 email had attachments or not, it did not attract the clients’ attention and was not reviewed at that time.

[14] My finding that follows is that the clients became aware of the two disputed final accounts when they were emailed by Ms. Assuras in response to follow up queries. I conclude on this basis that the accounts were not “received” by the clients to start the 30-day period for requesting assessment until November 18, 2024.

[15] Based on these findings, the relevant date for computation of the 30 days for requesting registrar’s order for assessment per s. 3 of the *Solicitor’s Act* is therefore November 18, 2024.

[16] Ms. Assuras’ motion to set aside the registrar’s order for assessment is therefore dismissed.

[17] The Assessment ordered December 18, 2024 shall be scheduled forthwith.

[18] Scope of the s. 3 assessment: during argument, the clients’ counsel spoke broadly about justice principles. He argued that his clients wish, in the assessment hearing, to dispute their retainer agreement and all the bills received from Ms. Assuras. I emphasize to the clients that the s. 3 assessment process does not entitle them to do so.

[19] To be clear, the Registrar’s order for assessment, which is now to be re-scheduled for assessment hearing, is for assessment only of the appended accounts 2694 and 2695. It does not apply to other accounts rendered to them by Ms. Assuras. Nor does it entitle them to dispute the terms of any retainer they entered into with Ms.

Assuras: the retainer agreement is relevant on a s. 3 assessment as the contractual framework for assessment of the accounts rendered pursuant to that retainer, and for that limited purpose only.

[20] In emphasising this limitation, I note that, as the clients' counsel acknowledged, they did not bring an application pursuant to s. 4 of the Act; an order made under s. 4 requires an originating court application within 12 months. That is not the method the clients chose to use to seek assessment of their accounts.

[21] To assist the parties in distinguishing these processes and entitlements under ss 3 and 4 of the *Solicitor's Act*, I drew to counsel's attention paragraphs 10-13 of the recent Divisional Court decision: *Wong v. Dale*, 2025 ONSC 3551 (O'Brien J for the Court).

COSTS:

[22] I have dismissed the Respondent's motion.

[23] Both parties sought costs if successful. The Kutlarovski clients were successful in obtaining dismissal of the motion. They seek costs of more than \$10,000.

[24] In determining a fair and just cost award, I must consider that the successful clients did not, on the record before me, at any time in the assessment process, clearly advise Ms. Assuras of their concerns with her final accounts, nor did they specify what parts of the work billed or invoiced was not acceptable to them, what dollar amount they disputed, and why. In that regard, I note that one of the two disputed accounts shows a write-down of approximately \$10,000, representing almost a 50% reduction in that account, described as a "courtesy discount".

[25] By seeking and booking the assessment without notifying Ms. Assuras, the clients prevented meaningful settlement discussion in the months following the rendering of the final accounts, and thereby moved the assessment issue into a court process, which increased costs all round.

[26] I am also left puzzled by the conduct of Ms. Assuras. Having learned in July 2025 about an upcoming assessment hearing in September 2025, which takes issue with approximately \$23,000 in final billings, Ms. Assuras then brought this motion and incurred, per her own agent's cost outline, over \$22,000 in legal costs.

[27] It was not clear to the Court why, as a matter of expedience, Ms. Assuras did not save time and money by simply attending the scheduled assessment, albeit scheduled a month or two late by her calculation, and then defending her accounts at the hearing. Such might have been a time and process-proportionate approach. Instead, she incurred the further expense of retaining counsel and bringing this motion, and thus assuming the risk of the outcome obtained today, which is to send her back to the assessment hearing.

[28] Having considered the applicable cost principles, Rule 57, the OCA guidance on civil costs, and the principles of proportionality and settlement promotion, a fair and just cost award is \$4,000. I hereby fix costs in this amount to be paid by Angela Assuras Professional Corporation to the Kutlarovski parties within 90 days.

[29] Draft order amended by the Court and adding costs ordered, signed and to issue.

L. McSweeney J.