

**CITATION:** 3818187 Canada Inc. v. Corporation of the Township of Russell, 2026 ONSC 1876  
**COURT FILE NO.:** CV-12-54106  
**DATE:** 2026/03/27

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** 3818187 Canada Inc., Plaintiff

**AND**

Corporation of the Township of Russell, Defendant

**BEFORE:** The Honourable Justice C.T. Hackland

**COUNSEL:** Nadia Authier, for the Plaintiff

Ron Peterson, for the Defendant

**HEARD:** In writing

**COSTS ENDORSEMENT**

[1] The plaintiff was entirely successful in resisting the defendant's motion to dismiss this action for delay. The action has indeed dragged on for many years. However, as explained in the court's reasons in *3818187 Canada Inc. v. Corporation of the Township of Russell*, 2026 ONSC 0006, this action has been ready for trial since it was set down in September 2019. After that there were issues of judge unavailability, illnesses and other factors which were not the plaintiff's fault. The case has been trial ready since it was set down.

[2] In the circumstances the respondent plaintiff is entitled to its costs on a partial indemnity scale. I reviewed the Bills of Costs put forward by each party. The hourly rates and time docketed are reasonable and senior counsel are involved. I observe this to be a case of average complexity. Considerable care and organization were required to argue the motion on the part of both parties. I would suggest the costs of the motion could have been avoided and the case tried by now, if this motion had not been brought.

[3] After due consideration, I award the plaintiff its costs of the motion which I fix in the sum of \$18,500 inclusive of disbursements and HST, payable by the defendant municipality forthwith.

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Justice Charles T. Hackland

**Date:** March 27, 2026

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**Released:** March 27, 2026