

[7] Travelers brought this motion for summary judgment and the plaintiff did not respond. This motion for summary judgment proceeded on an uncontested basis.

[8] I agree that there is no merit to the claim against Travelers as Travelers did not owe a duty of care to the plaintiff. The plaintiff executed a full and final release with Travelers. Additionally, the action was brought in the wrong jurisdiction.

[9] Travelers attempted to serve Mr. Saleh at his last known address noted on the Statement of Claim and also made attempts to locate him without success. I agree it was Mr. Saleh's responsibility to provide his address for service.

[10] Additionally, Travelers emailed the materials to the email address noted on the back page of the Statement of Claim.

[11] I am satisfied that in the circumstances service by mail to the plaintiff's last known address and by email was sufficient service and to the extent necessary I am validating service and/or dispensing with service.

[12] Having not responded to this motion, the plaintiff has not put his best foot forward, there is no genuine issue which requires a trial, and his claim is dismissed with costs in the amount of \$4,627.35 in partial indemnity fees and \$1,962.10 in disbursements.

Papageorgiou J.

Released: May 3, 2024

CITATION: Saleh v. Traveler's Insurance Company, 2024 ONSC 2600

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

MOHAMED SALEH

Plaintiff

– and –

TRAVELLER'S INSURANCE COMPANY AND
EMMET MADDEN

Defendant

REASONS FOR JUDGMENT

Papageorgiou J.

Released: May 3, 2024