

IN THE MATTER OF APPEALS UNDER PART II & III OF O. REG 187/09 MADE UNDER
THE *SAFETY AND CONSUMER STATUTES ADMINISTRATION ACT, 1996*

BETWEEN:

1277897 ONTARIO LTD.

Appellant

- and -

GENERAL MANAGER, ELECTRICAL SAFETY AUTHORITY

Respondent

DECISION AND ORDER ON COSTS

Background

1. On October 20, 2025, this Panel released its decision in respect of this appeal, dismissing the appeal in its entirety.
2. The Panel's decision followed a merits hearing that unfolded over the course of five hearing days. Prior to the merits hearing, the parties engaged in several pre-hearing attendances as part of the hearing process, including motions and pre-hearing conferences. The matter was also adjourned twice — once at the Appellant's request just weeks before the hearing was supposed to proceed (in October 2023) and once at the ESA's request following significant late disclosure by the Respondent (in January 2024).
3. As part of the Panel's decision, the Panel established a process for the parties to make written submissions on costs.
4. In accordance with that schedule, the Respondent submitted written costs submissions. The Appellant never did so.
5. The Respondent seeks \$10,000 in costs.

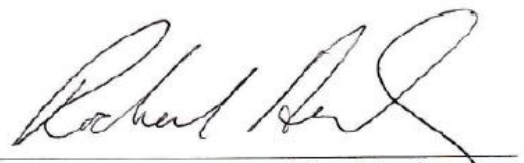
Decision

6. Rule 23.1 of the ESA's *Rules of Procedure for Reviews and Appeals* caps the quantum of costs to be awarded at \$1,000 for each full or partial day of the hearing, in circumstances that include where the losing party's conduct was "unreasonable or for an improper purpose, or that caused an unreasonable delay".
7. We accept the Respondent's submissions that rule 23.1 is engaged in the circumstances of this case. In particular, we conclude that the Appellant's conduct throughout the hearing process was unreasonable and warrants an award of costs, including because the Appellant: (i) failed to prepare and act in a timely manner; (ii) requested a late adjournment and engaging in conduct that necessitated a late adjournment request by the Respondent; (iii) changed positions throughout the hearing, including with respect to witnesses to be summonsed; (iv) continued to focus on irrelevant issues and failed to respect Panel rulings with respect to the scope of the appeal; and (v) generally engaged in disrespectful conduct, particularly with respect to counsel for the Respondent.
8. We note that the Appellant has not bothered to file any material objecting to or challenging the Respondent's position.
9. On this basis, we are prepared to grant the Respondent its costs as requested in respect of the five merits hearing days (5 x \$1,000), the pre-hearing motion related to the Appellant's summons request (\$1,000), the Appellant's failure to consent in a timely fashion to the second adjournment motion/request and resulting need for the Respondent to prepare motion materials for same (\$1,000), and both adjournments (2 x \$1,500).

Order

The Panel orders as follows that the Appellant shall pay the Respondent its costs of this proceeding in the amount of \$10,000, to be paid within 30 days of the date of this order.

January 23, 2026



Richard Austin, Presiding Member
George Matai
Andrew Bloomfield