

**CITATION:** Pooran v. Pooran, 2011 ONSC 5469  
**COURT FILE NO.:** FS-10-70398-00  
**DATE:** 2011-09-19

**SUPERIOR COURT OF JUSTICE – ONTARIO**

**RE:** Shanti Pooran v. Vishnu Pooran

**BEFORE:** Justice Thomas A. Bielby

**COUNSEL:** Abby Vimal, for the Applicant

Nida Hussain, for the Respondent

**COST ENDORSEMENT**

[1] The motion I was asked to determine involved the primary residency of the parties' two children, Brandon, 13 and Sheldon, who is 10.

[2] The granting of 'custody' was not an issue. The respondent sought a 'week about' plan of shared residency. The applicant submitted she should be the primary caregiver and on the short term. I agreed with her for the reasons set out in my September 1, 2011 endorsement. The issue is far from resolved.

[3] I also commented in my endorsement that neither party was unreasonable in their approach and both would appear to be considering the best interests of

the children. The award of costs often reinforces a winner/loser attitude, which, in cases involving the children, is not healthy.

[4] However, Rule 24 of the *Family Law Rules* dictates there is a presumption that a successful party is entitled to costs of the motion. The applicant was successful.

[5] The applicant seeks costs of \$1,750.00 which for such a motion is not unreasonable. Since it is not broken down, I will assume that it includes disbursements and HST.

[6] I order the respondent shall pay the applicant costs on this motion in the amount of \$1,750.00 all inclusive, payable on the completion of this application.

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Bielby J.

**DATE:** September 19, 2011

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