Federal Court



Cour fédérale

Date: 20161004

Docket: T-405-15

Citation: 2016 FC 1107

Ottawa, Ontario, October 4, 2016

PRESENT: Madam Prothonotary Mireille Tabib

BETWEEN:

HARTWICK O'SHEA & CARTWRIGHT LTD.

Plaintiff

and

DRP TRANSPORTATION

Defendant

JUDGMENT AND REASONS

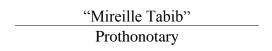
- [1] **UPON** reading the Notice of Motion and Motion Record of the Plaintiff and moving party, Hartwick O'Shea and Cartwright, including the affidavit of Stephen Cartwright and Exhibits thereto.
- [2] **AND UPON** considering the Memorandum of Fact and Law of the moving party, the Defendant being unrepresented and not appearing on this *ex parte* motion.

- [3] **CONSIDERING** that the Defendant is in default.
- [4] **CONSIDERING** that the Plaintiff has established that the Defendant is indebted to it in the amount of \$35,012.08.
- [5] **CONSIDERING** the *Interest Act*.
- [6] **CONSIDERING** that the Plaintiff has not established that either of its offers to settle remained open for acceptance until now, and that the Plaintiff is therefore not entitled to double costs.
- [7] **CONSIDERING** that no costs were awarded in respect of the Defendant's first motion for leave to be represented by Dale Pickard and that costs of the Defendant's second motion were fixed in the amount of \$1,000.00 only.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that:

- 1. The Defendant's Statement of Defence and Counterclaim are struck.
- 2. The Defendant is condemned to pay to the Plaintiff the principal amount of \$35,012.08 with interest thereon at 5% per annum from October 30, 2014.
- 3. The Defendant is also condemned to pay to the Plaintiff costs in the fixed amount of \$10,000.00.
- 4. The above judgment and remedies are enforceable against the defendant partnership DRP Transportation as well as its partner and principal directing mind Dale R. Pickard.



FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-405-15

STYLE OF CAUSE: HARTWICK O'SHEA & CARTWRIGHT LTD. v DRP

TRANSPORTATION

MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO, PURSUANT TO RULE 369 OF THE FEDERAL COURTS RULES.

JUDGMENT AND REASONS: TABIB P.

DATED: October 4, 2016

WRITTEN REPRESENTATIONS BY:

Gavin Magrath FOR THE PLAINTIFF

SOLICITORS OF RECORD:

Magrath's International Legal FOR THE PLAINTIFF

Counsel

Toronto, Ontario

Dale R. Pickard FOR THE DEFENDANT

Barrie, Ontario (Self-represented)