

COURT FILE NO.: CV-25-00004085-0000

SUPERIOR COURT OF JUSTICE – ONTARIO

491 Steeles Avenue East, Milton ON L9T 1Y7

RE: YANG, JIZHOU, Applicant

AND:

LEI, JIE, Respondent

BEFORE: Justice E. Chozik

COUNSEL: Ran Tao, for the Applicant

Calvin Zhang, and Helen Lu (Articling student) for the Respondent

HEARD: January 28, 2026, by video conference

ENDORSEMENT

- [1] The Respondent seeks costs incurred on a motion for security for costs. That motion for security for costs was brought in the context of an application for a Certificate of Pending Litigation (“CPL”) brought by the Applicant. When the motion for security for costs was served and filed, the Applicant abandoned the application for the CPL.
- [2] In my view, the issue of costs thrown away is straight forward. The Respondent is entitled to the costs thrown away in the step of litigation rendered unnecessary by the Applicant’s conduct. This is so regardless of the merits of the balance of the litigation.
- [3] I accept that the Respondent’s motion for security of costs may have to be duplicated, if the Statement of Claim issued by the Applicant is personally served on the Respondent and the action is properly commenced. However, this has not happened yet. The costs of that motion for security for costs in that future action will have to be considered when that matter is before the court. It is entirely speculative at this point to consider costs of a potential duplicate future step in a

non-existent action in deciding the quantum of costs thrown away because of the abandoned motion for a CPL.

- [4] Costs are ordered in the amount of \$8,500 for costs thrown away on the security for costs motion. Costs of today are set at \$500, for a total of \$9,000 inclusive of disbursements and HST payable by the Applicant to the Respondent forthwith.



Chozik J.