



Original

2007 CarswellOnt 7647
Ontario Superior Court of Justice

Capital One Bank (Canada Branch) v. Ahmad

2007 CarswellOnt 7647, [2007] O.J. No. 4430

Capital One Bank (Canada Branch) and Jawad Ahmad

P.A. Thomson J.

Heard: September 13, 2007
Judgment: November 2, 2007
Docket: SC07-051851-00

Counsel: Todd R. Christensen, for Plaintiff
No one for Jawad Ahmad

Subject: Civil Practice and Procedure; Corporate and Commercial

Related Abridgment Classifications

For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

Headnote

Civil practice and procedure --- Judgments and orders — Amending or varying — General principles

Table of Authorities

Cases considered by P.A. Thomson J.:

Lamond v. Smith (2004), 72 O.R. (3d) 119, 2004 CarswellOnt 3176 (Ont. S.C.J.) — referred to

P.A. Thomson J.:

1A Paragraphs 1(a) and 3 of the Judgment issued November 2nd, 2007 are amended to clarify the Court's order. (See *Lamond v. Smith* (2004), 72 O.R. (3d) 119 (Ont. S.C.J.) for the Court's authority so to do.)

1 Although I have reservations concerning the reasoning in *Capital One v Matovska et al* (Divisional Court), I am bound by the result.

2 The Clerk of the Court shall sign default judgment in this and all similar matters provided pleadings are specific, and the attachments to the Claim include the following:

- (a) Legible agreement,
- (b) Legible final or last Statement,
- (c) Calculation of Interest,
- (d) Accounts for “expenses” including legal fees

3 Unless there is proof of payment of the expenses in 2(d), there will be no prejudgment interest *on the expenses*.

reserved.

Citing References (1)

Treatment	Title	Date	Type	Depth
Followed in	 1. Capital One Bank v. Wright 2012 CarswellOnt 9953 (Ont. S.C.J.) 	Aug. 14, 2012	Cases and Decisions	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>