

CANADA / JUDGMENT

Ghahsareh v. Ehsani

2025 ONCA 795

COURT

Court of Appeal for Ontario

DECIDED

24 November 2025

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Ghahsareh v. Ehsani Collection Decisions of the Court of Appeal Date 2025-11-24 Neutral citation 2025 ONCA 795 Docket numbers COA-25-CV-0314 Judges van Rensburg, Katherine; Dawe, Jonathan; Madsen, Lene Subject Family Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Ghahsareh v. Ehsani, 2025 ONCA 795 DATE: 20251124 DOCKET: COA-25-CV-0314 van Rensburg, Dawe and Madsen JJ.A. BETWEEN Mohammad Ali Safari Ghahsareh Applicant (Respondent) and Maryam Ehsani Respondent (Appellant) Maryam Ehsani, acting in person Kaitlin Jagersky, for the respondent Heard: November 14, 2025 On appeal from the costs order of Justice S. James Mountford of the Superior Court of Justice, dated March 6, 2025. REASONS FOR DECISION

- [1] The appellant mother appeals a costs order made following a lengthy family law trial in which the respondent father was successful on most issues. Specifically, the father prevailed in relation to parenting time, decision-making, and ongoing child and spousal support. The mother was successful on retroactive child support and limited spousal support. Under the substantive order below, the parties' minor child, M., is in the primary care of the father.
- [2] For reasons set out in the endorsement of Gomery J.A. dated June 19, 2025, the appeal of the substantive order did not proceed.[1] By order made April 17, 2025, Copeland J.A. determined that the costs appeal could go ahead. Only the costs appeal is before us.
- [3] Leave is required where an appeal to this court is only as to costs. The test is stringent: Courts of Justice Act, R.S.O. 1990, c. C.43, s. 133(b). There must be strong grounds upon which the appellate court could find that the judge erred in exercising her discretion: *Brad-Jay Investments Limited v. Village Developments Limited* (2006), 218 O.A.C. 315 (C.A.), at para. 21, leave to appeal refused, [2007] S.C.C.A. No. 92. Discretionary costs decisions should only be set aside on appeal if there is an error in principle or if the award is "plainly wrong": *Hamilton v. Open Window Bakery*, 2004 SCC 9, [2004] 1 S.C.R. 303, at para. 27.

- [4] The mother is self-represented. Her materials do not address the test for leave. Even read generously, they allege no specific error on the part of the trial judge. In her notice of appeal, the mother asks this court to address substantive issues from trial, such as the return of the parties' child, in addition to "damage cost". The mother's oral submissions did not shed light on any alleged error by the trial judge.
- [5] In his thorough costs decision, the trial judge carefully and correctly set out the applicable legal principles and fairly applied them to the facts of this case. The principles included relative success, the parties' behaviour in the case, bad faith, and ability to pay.
- [6] The trial judge found that the father was the more successful party at trial; that while the mother was successful in relation to retroactive child support, the issue consumed little time; and that the father made five offers to settle, while there was no evidence of even one offer by the mother. He also emphasized the admirable conduct of the father and his counsel when faced with "some very disturbing behaviour" from the mother, which the trial judge found was both unreasonable and in bad faith.
- [7] The trial judge noted the "extreme" costs incurred by the father, exceeding \$271,000, and determined that the father's request for less than half that amount was reasonable. The father's proposed sum of \$131,855.10 was in turn set off against retroactive and ongoing support amounts owed, for net costs of \$20,000 payable by the mother to the father.
- [8] We understand that the issues in the trial were very important to the mother and that she is deeply unhappy with the outcome. Like the trial judge, we see clearly that she loves her children. That, however, is not the issue in this costs appeal.
- [9] The careful reasons reveal no error in principle, nor is the award plainly wrong. The amount ordered is reasonable and proportionate in all of the circumstances. There is no basis upon which to grant leave to appeal the costs order, and we therefore decline to do so. Even if we were inclined to grant leave to appeal the costs order, we would dismiss the appeal.
- [10] Costs of this appeal, inclusive of the motion before Copeland J.A. heard April 16, 2025, are set at \$7,500 inclusive of HST and disbursements, payable to the father. "K. van Rensburg J.A." "J. Dawe J.A." "L. Madsen J.A."
- [1] The mother subsequently brought a motion seeking a panel review of the order of Gomery J.A., which this panel dismissed under r. 2.1.02 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194, on November 12, 2025. The endorsement dismissing the motion additionally prohibited the mother from making without leave any further motions in respect of the appeal of the substantive order.

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Prepared on 29 October 2026 · Esheria