

Farhat v. Majed, CITATION: 2025 ONSC 5152
COURT FILE NO.: CV-25-15305-00ES
CV-25-15346-00ES
DATE: 2025-09-09

SUPERIOR COURT OF JUSTICE – ONTARIO

RE: Hassan Farhat, applicant (CV-25-15305-00ES)
AND: Rana Majed, respondent
AND RE: Rana Majed, applicant (CV-25-15346-00ES)
AND: Hassan Farhat and Meridian Credit Union, respondents
BEFORE: Mr Justice J.A. Ramsay
COUNSEL: Robert P. Budgell for Farhat; Angelo Fazari for Majed
HEARD: September 9, 2025 at Welland

ENDORSEMENT

[1] The applicant is the widower of the deceased, Itaf Karim, who died on June 25, 2024. They had been married 50 years. The respondent Rana Majed is their daughter, the second-born of seven children. The respondent got a certificate of administration based on a holograph will to which no objection was filed, although she had been told that the applicant would contest it. The applicant seeks to invalidate the will and annul the certificate. The respondent has filed her own application. She seeks various relief including an order to gain access to her mother's safety deposit box. Since the widower's application was filed first, I shall refer to him as the applicant and to the daughter as the respondent. Meridian Credit Union is also a respondent to the daughter's application.

[2] The Credit Union has settled on the basis that it will abide by whatever order the court makes and no order for costs will be made for or against it.

[3] The purported will was handwritten by the deceased in Arabic. It reads, in translation:

My lovely dear children, my sweethearts, I advise you to live by this will through your love and close relationship to each other. Unity begets strength. May God keep you in good health and protect you from bad and evil.

As for my possessions in the bank, the gold which was given to me as a gift from my sweetheart Imane is to be returned to her, and the rest to be distributed equally

among my four daughters. As for the money, once received by Rana, she should distribute them among everyone.

My dear sweethearts, my soul will remain with you and around you. Remember me through a blessed reading from the opening Sura of the Holy Quran. Forgive me if I made any mistake with you or fell short in upbringing you. May God bless you and bless your children. Peace be with you.

“Itaf” “Mother of Mohamed”

Note: As for the diamond set here, it will be for my beloved Rana. Enjoy wearing it.

- [4] This undated writing was found in a drawer shortly after the mother died. The signature “Mother of Mohamed” was written in the deceased’s hand in Arabic. “Itaf” was added after the note was found and before it was submitted to the court. The respondent describes it as an unintelligible scribble. I find that it was an imitation of the mother’s signature written in Roman script. It casts doubt on the validity of the document, but it is not conclusive, as the Arabic signature was authentic. The deceased often used “mother of Mohammed” as a signature when writing to her own family. Mohamed is the name of her oldest son. She signed “Itaf” in Roman script on her driver’s licence and passport and the safety deposit box agreement and log.
- [5] Another note, dated May 27, 2024, was found in the safety deposit box. I infer from the log that she deposited it on that dated. This note said, in translation:

27/5/2024

My lovely dear children, my sweethearts, I advise you to live by this will through your love and close relationship to each other. Unity begets strength. May God keep you in good health and protect you from bad and evil.

With regard to my possessions in the bank, the gold which was given to me as a gift from my sweetheart Imane is to be returned to her, and the rest to be distributed equally among my four daughters; with the exception my diamond set which will go to Rana. My love and sweethearts.

My dear sweethearts, my soul will remain with you and around you. Remember me through a blessed reading from the opening Sura of the Holy Quran. Forgive me if I made any mistake with you or fell short in upbringing you. May God bless you and bless your children. Peace be with you.

“Mother of Mohamed”

- [6] This signed document was deposited for safe keeping on the eve of the deceased’s pilgrimage to Mecca. That circumstance, the words used, and the signature satisfy me that it reflects the deceased’s testamentary intentions and was her will. The undated document for which a certificate of administration was issued was not. It was just a draft. The certificate was issued

because the court, not having access to the safety deposit box, was misled. Somebody added her English signature to it in an attempt to give it authenticity. I do not know who.

[7] Under the authority given her by certificate, the respondent was given access to about \$67,000 which was in her mother's credit union account. The safety deposit box contains documents, jewellery and some cash. One piece of jewellery, a watch, is the applicant's property. The applicant and the respondent had marital issues, and were sleeping in separate bedrooms, but the evidence falls short of proving that they were separated.

[8] The will, then, makes specific gifts to Imane, Rani and the daughters of the jewellery in the safety deposit box. The residue of the estate passes as on an intestacy. Given the value of the estate, the whole of the residue passes to the applicant.

[9] I order as follows:

- a. The small estate certificate 2024-0707 issued on January 15, 2025 is revoked.
- b. The respondent shall return the certificate forthwith.
- c. I declare that the Arabic writing dated May 27, 2024 together with the translation thereof at exhibit F of the affidavit of Rana Majed dated July 31, 2025 is the last will and testament of Itaf Sami Karim.
- d. A small estate certificate shall issue to the respondent with the will dated May 27, 2024. If the respondent does not apply for a small estate certificate within 30 days, the applicant may apply, and the certificate shall issue to him instead.
- e. The respondent shall distribute the estate as follows:
 - i. The men's watch, property of the applicant, to him;
 - ii. The gold, which was given to the testatrix by Imane, to Imane;
 - iii. The diamond set to the respondent herself;
 - iv. The rest of the jewellery in the safety deposit box to the four daughters of Itaf Sami Karim equally;
 - v. The remaining items in the safety deposit box, including the cash, to the applicant;
 - vi. After paying legal fees, the residue of the estate, including the money in the bank, to the applicant.
- f. The respondent is not entitled to compensation as a trustee;
- g. The respondent shall pass her accounts within 120 days;

- h. Meridian Credit Union is ordered to release the contents of the safety deposit box to the respondent forthwith;
- i. The applicant and the respondent are entitled to full indemnity for costs from the estate.
- j. No order as to costs is made for or against the Meridian Credit Union.

J.A. Ramsay J.

Date: 2025-09-09