

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
MONTREAL SEAT

No: 500-09-031634-256
(500-22-273159-221)

DATE: November 24, 2025

**CORAM: THE HONOURABLE MARIE-FRANCE BICH, J.A.
MARIE-JOSÉE HOGUE, J.A.
ÉRIC HARDY, J.A.**

MING JIAN (GEORGIA JIAN)
APPELLANT – Plaintiff

v.

**MOONCREST INVESTMENT INC.
GRENIER & ASSOCIÉS**
RESPONDENTS – Defendants

JUDGMENT

[1] The Court is seized with two applications to dismiss the appeal filed by the appellant, Ming Jian (“**Mrs. Jian**”), and, alternatively, for security for costs, each of the respondents, namely Mooncrest Investment Inc. (“**Mooncrest**”) and Grenier & Associés (“**Grenier**”), having presented its application pursuant to articles 364 and 365 *C.C.P.* They allege that the appeal has no reasonable chance of success.

[2] The court is also seized with a motion to present new evidence filed by Mrs. Jian.

[3] The impugned judgment, which was rendered by the Court of Québec on July 17, 2025 (the Honourable Mr. Justice Nicholas Daudelin), dismissed a claim for compensatory and punitive damages brought against Mooncrest and Grenier by Mrs. Jian.

[4] Mrs. Jian had been renting an apartment in a building owned by Mooncrest. On January 31, 2019, the Régie du logement rendered a decision by which it resiliated the lease and ordered Mrs. Jian's eviction.

[5] Mrs. Jian filed an application for leave to appeal from this decision, which application was heard by the Court of Québec on April 24, 2019 and taken under advisement. That same day, the judge who heard the application suspended the execution of the Régie du logement's decision until the expiry of a 30-day period following the date on which his own judgment would be rendered.

[6] On June 21, 2019, the application for leave to appeal was dismissed.

[7] Mrs. Jian filed an application for judicial review of this decision but never presented it before the Superior Court.

[8] Mooncrest, assisted by Grenier (a bailiff firm), evicted Mrs. Jian on July 3, 2019.

[9] Alleging that her eviction was illegal, that she was not allowed to pack her belongings, that she was not informed of the location where they were stored, and that several of these belongings were damaged or disappeared, Mrs. Jian sued Mooncrest and Grenier for damages, claiming \$67,190.

[10] She argued that they evicted her notwithstanding that, at the time, the execution of the Régie du logement's decision was still suspended.

[11] After a detailed review of the legal proceedings and the facts leading up to the filing of the claim for damages, the trial judge concluded that Mrs. Jian had been evicted 19 days too early because, at the time, the execution of the judgment allowing the eviction was still suspended. Pursuing his analysis, he concluded, however, that the evidence did not support a finding that any of the damages claimed by Mrs. Jian had resulted from this fault.

[12] Mrs. Jian has raised several grounds of appeal in her notice of appeal.

[13] First, she alleges that the trial judge violated the principles of natural justice by allowing the defence witnesses to speak in French, even though she does not understand that language, and by allowing the defence to use certain photographs and a video in the context of her cross-examination.

[14] Her motion to present new evidence is in relation to this video. Without providing any details, she alleges that she has obtained documentation showing that this video was

misleading, tempered or taken out of context. She did not, however, file any such document with her motion.

[15] She also mentions that the trial judge applied the wrong standard of proof, exercised his discretion improperly, misappraised the evidence, and adopted flawed reasoning. Finally, she alleges that he was biased and quite simply failed to apply the law.

[16] Mrs. Jian was represented by two lawyers at trial, but she chose to terminate their mandate on the second day. She then asked for the trial to be suspended and postponed to another date to allow her to retain the services of an interpreter. The trial judge denied her request on the ground that she had known for a long time before the beginning of the trial that the defence witnesses would testify in French and that she had nevertheless, with full knowledge of the facts, decided to revoke her lawyers' mandate.

[17] In so doing, the judge exercised his discretion, and the appellant has not alleged any grounds suggesting that he committed an error of principle, that he misinterpreted or failed to consider material evidence, or that he rendered an unreasonable decision — the only reasons that would enable the Court to intervene.

[18] He also exercised his discretion when he authorized the respondents to use certain photographs and a video to cross-examine her; here, too, the notice of appeal does not allege any grounds that would permit the Court's intervention.

[19] The other grounds raised by Mrs. Jian simply call into question the way in which the trial judge assessed the evidence presented and the credibility of the witnesses heard.

[20] As it has often been pointed out, the Court's role is not to re-examine the evidence and then substitute its own assessment for that of the trial judge.¹ It can only intervene in this regard if there is a palpable and overriding error.

[21] The appellant has not identified any error that can be characterized as such. Instead, she has merely expressed her disagreement with the trial judge's assessment of the evidence.

[22] Finally, her allegation that the trial judge was biased and failed to apply the law is unsubstantiated and without merit.

[23] In these circumstances, the Court is of the opinion that the appeal has no reasonable chance of success.

¹ *Nelson (City) v. Mowatt*, 2017 SCC 8, para. 38; *A.H. c. K.B.*, 2021 QCCA 1043, para. 21; *Droit de la famille – 24847*, 2024 QCCA 669, para. 7.

FOR THESE REASONS, THE COURT:

- [24] **DISMISSES** Mrs. Ming Jian’s (Georgia Jian) motion to present new evidence;
- [25] **GRANTS** Mooncrest Investment Inc.’s application to dismiss the appeal;
- [26] **GRANTS** Grenier & Associés’ application to dismiss the appeal;
- [27] **DISMISSES** the appeal;
- [28] **THE WHOLE**, with legal costs.

MARIE-FRANCE BICH, J.A.

MARIE-JOSÉE HOGUE, J.A.

ÉRIC HARDY, J.A.

Ming Jian (Georgia Jian)
Unrepresented

Mtre Sarah Bazinet
Mtre Paul Trinel
HUDON AVOCAT
For Mooncrest Investment Inc.

Mtre Sylvain Racette
WT MONTRÉAL
For Grenier & Associés

Date of hearing: October 6, 2025