

CITATION: Cissek v. Laszlo, 2025 ONSC 7264
COURT FILE NO.: CV-25-35621-00ES
DATE: 20251230

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:)
)
Elizabeth Margrit Laszlo Cissek)
) Rick Bickhram, for the Applicant
Applicant)
)
– and –)
)
Ilona Maria Laszlo, in her personal capacity,) Elizabeth A. Papp, for the Respondent
and in her capacity as Estate Trustee for the)
Estate of Charles Laszlo)
)
Respondent)
)
)
)
) **HEARD:** December 9, 2025

2025 ONSC 7264 (CanLII)

ENDORSEMENT

KALAJDZIC J.:

- [1] The applicant, Elizabeth Margrit Laszlo Cissek, seeks directions regarding the validity of the 2024 Last Will and Testament of her late father, Charles Laszlo. The Last Will is dated December 19, 2024. Mr. Laszlo passed away on January 29, 2025.
- [2] Under the Last Will, Mr. Laszlo’s wife of fifteen years, the respondent, Ilona Maria Laszlo, is named estate trustee. With the exception of a Montana 5th Wheel travel trailer left to two of his grandsons, and a \$20 bequest to the applicant, the entirety of Mr. Laszlo’s estate was bequeathed to the respondent.
- [3] The Last Will was drafted by Mr. Laszlo’s neighbour and friend, Andrew Voros, at the request of Ms. Laszlo. It was signed and witnessed by Mr. Voros and another friend of the deceased. The Last Will was not notarized by a lawyer until a few days after Mr. Laszlo’s death.
- [4] The Last Will revokes a previous will dated June 9, 2020 (the “2020 Will”). The 2020 Will was prepared by a lawyer selected by Ms. Cissek. Pursuant to the 2020 Will, Ms. Cissek is named estate trustee. The deceased left Ms. Laszlo the right to live in any property Mr.

Laszlo owned at the time of death. The residue of the estate was divided into two equal shares, with one share to Ms. Cissek, and the other share to two grandsons. Ms. Cissek was also her father's power of attorney.

- [5] Ms. Cissek does not believe that the Last Will is a valid testamentary instrument for essentially three reasons. She alleges that:
- a. the deceased lacked testamentary capacity, the requisite knowledge, and approval of the contents of the Last Will.
 - b. suspicious circumstances existed around the preparation and execution of the Last Will.
 - c. the deceased was unduly influenced by the respondent.
- [6] Ms. Cissek applies under r. 75.06 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 for directions with respect to the validity of the Last Will, and for directions to advance the litigation. She requests a trial timetable and seeks orders requiring the production of Mr. Laszlo's medical and financial records.
- [7] To obtain these orders, Ms. Cissek must adduce some evidence which, if accepted, would call into question the validity of the Last Will. I find that Ms. Cissek has not met this burden. Accordingly, her application is dismissed.

I. Procedural Background

- [8] On June 12, 2025, Ms. Laszlo filed an application for a certificate of appointment of estate trustee with a will, based on the Last Will. Ms. Cissek had already commenced a separate proceeding (court file no. CV-25-043530) in which she sought to be appointed estate trustee pursuant to the 2020 Will. She had also filed a notice of objection.
- [9] On June 24, 2025, Ms. Laszlo's lawyer served and filed a notice to objector which stated that Ms. Cissek had 20 days to file a notice of appearance with the court. Ms. Cissek's former lawyer filed a notice of appearance approximately ten days late. By endorsement dated July 28, 2025, Howard R.S.J. ruled that, because the notice of appearance was not served in time, by operation of r. 75.03(5), Ms. Laszlo's application must proceed as if the notice of objection had not been filed.
- [10] The Registrar then issued a notice of certification of appointment of estate trustee with a will to Ms. Laszlo. Ms. Cissek is seeking the return of that certificate of appointment pending this court's determination of the within application.

II. Legal Framework

- [11] Rule 75 governs contentious estates proceedings. Rule 75.01 provides that an estate trustee or an “interested person” may bring an application to have a testamentary instrument proved “in such manner as the court directs,” as follows:

75.01 An estate trustee or any person appearing to have a financial interest in an estate may make an application under rule 75.06 to have a testamentary instrument that is being put forward as the last will of the deceased proved in such manner as the court directs.

- [12] Rule 75.06(1) provides an interested person with the right to apply or move for directions.
- [13] To prevent an estate from being embroiled in years of expensive litigation over the thinnest of allegations, the law requires that the interested person prove that there is some *prima facie* merit to the allegations made. The test to meet was articulated by the Court of Appeal in *Neuberger Estate v. York*, 2016 ONCA 191, 129 O.R. (3d) 721, at para. 89, as follows:

[A]n applicant or moving party under rule 75.06 must adduce, or point to, some evidence which, if accepted, would call into question the validity of the testamentary instrument that is being propounded. If the applicant or moving party fails in that regard or if the propounder of the testamentary instrument successfully answers the challenge, then the application or motion should be dismissed. If, on the other hand, the applicant or moving party adduces or points to evidence that calls into question the validity of the testamentary instrument which the propounder does not successfully answer, the court would generally order that the testamentary instrument be proved.

- [14] In other words, it is not enough that the applicant adduces or points to something that could call the will into question. As noted by Gillese J.A. in *Neuberger*, the proponent of the will has the opportunity to answer the evidence adduced or pointed to by the applicant. It is only where the proponent of the will “does not successfully answer” the evidence adduced or pointed to by the applicant, that the court will give directions under r. 75.06(3).

- [15] In *Zarrin-Mehr v. Shokrai*, 2024 ONSC 1754, Sanfilippo J. surveyed the cases that applied the “minimal evidentiary threshold” standard for wills to be proved in solemn form, and at para. 26, distilled the following principles:

- (a) The burden is on the applicant to adduce some evidence which, if accepted, would call into question the validity of the will.
- (b) The evidence adduced by the applicant does not need to be proved at the time of establishing the minimal evidentiary threshold. The evidence must support the claim if accepted at a dispositive hearing, but “the preliminary vetting process is not to be confused with making findings of fact at trial.”

- (c) The evidentiary threshold is low, and proof of the case on the merits or meeting the standard of a genuine issue requiring a trial is not required.
- (d) If the applicant establishes evidence supporting the request for the will challenge, the responding party has an opportunity to answer the evidence. If the responding party answers successfully, the will challenge is dismissed.
- (e) Bald or conclusory assertions of wrongdoing, bare allegations, and mere suspicions by the party challenging the will are insufficient to satisfy the minimal evidentiary threshold (citations omitted).

[16] The parties agree that the test set out in *Neuberger* and the principles summarized above apply to the application before me.

III. Analysis

a. Lack of Testamentary Capacity

[17] Ms. Cissek relies on her own affidavit, the affidavit of Andrew Voros, and the deceased's hospital records to show some basis on which a court could conclude Mr. Laszlo lacked testamentary capacity.

[18] Mr. Laszlo had many serious health issues. Ms. Cissek describes them in detail:

- a. In 2022, Mr. Laszlo was diagnosed with melanoma cancer.
 - b. On July 26, 2024, he collapsed at home due to a sudden cardiac arrest. He suffered four more cardiac arrests and was placed on life support for 12 days. He was discharged home at the end of August 2024.
 - c. On November 27, 2024, he underwent surgery relating to his femoral artery.
 - d. On November 28, 2024, after being discharged from the hospital, he suffered what was later determined to be a stroke. He was brought to the hospital by ambulance on December 2, 2025, after a home care nurse advised that he needed an emergency assessment.
 - e. On December 17, 2024, he underwent two surgeries for a perforated bowel. Both the medical records and a Facebook message from Ms. Laszlo to the applicant confirm that the deceased was in a lot of pain. He was prescribed hydromorphone and other opioids to deal with his pain.
 - f. On December 19, 2024, on the same day that the Last Will was executed, Mr. Laszlo was recommended to palliative care, as his cancer had metastasized.
- [19] The applicant points to several passages in the medical notes that describe Mr. Laszlo being tired, nauseous, physically weak, and in significant pain. Notably, Mr. Laszlo was taking

narcotics to manage his pain. Ms. Cissek asserts in her affidavit that such medications affect cognition and decision-making.

- [20] Mr. Voros also swore an affidavit. He is an old friend and neighbour of both the deceased and Ms. Laszlo. He states that he visited Mr. Laszlo in the hospital twice a week. On December 18, 2024, Mr. Laszlo and Ms. Laszlo asked Mr. Voros to write new wills for them and explained the terms they wished to include. Mr. Voros was uncomfortable preparing a will because he is not a lawyer. On that day, Mr. Laszlo appeared to him to be heavily medicated and sleepy.
- [21] That afternoon, Ms. Laszlo sent Mr. Voros a rudimentary will by text. He Facetimed with both the deceased and Ms. Laszlo for approximately eight minutes to discuss the text, and then had another video call with Mr. Laszlo that lasted 27 minutes to discuss changes to the will. Despite having concerns about the effects of pain medication on the deceased's ability to think clearly, Mr. Voros typed the will. The next day, he witnessed Mr. Laszlo sign the Last Will in the presence of another witness, an old friend named Milenko Suvajdzin.
- [22] Mr. Voros subsequently learned that Mr. Laszlo had had a colostomy procedure which is "extremely painful requiring aggressive pain management." In his affidavit, he expresses regret for typing the Last Will.
- [23] What Mr. Voros does not say, however, is that Mr. Laszlo was confused or incoherent on either December 18 or 19, 2024. In fact, Mr. Voros does not describe Mr. Laszlo's state at the time he signed the Last Will at all.
- [24] The other witness to the execution of the Last Will, Mr. Suvajdzin, does offer evidence about Mr. Laszlo's condition on December 19, 2024. He deposes that he visited the deceased at least once a week while he was in hospital. Mr. Suvajdzin was the first to arrive at the hospital on December 19th. He describes Mr. Laszlo as "fully aware" and that he understood why Mr. Suvajdzin was there. When Mr. Voros arrived, he read the Last Will aloud in both Hungarian and English, and then asked Mr. Laszlo if it was what he wanted, to which Mr. Laszlo said yes. Mr. Suvajdzin believes with "full certainty" that Mr. Laszlo understood the contents of the Last Will and that it reflected his wishes.
- [25] Mr. Suvajdzin also states that he continued to visit Mr. Laszlo in the hospital until he died, and that the deceased was competent and capable to the day he passed.
- [26] Mr. Suvajdzin's evidence about Mr. Laszlo's capacity is confirmed by Jani and Chazz Fournier-Laszlo, the grandsons of the deceased. Jani and Chazz are the adult children of Mr. Laszlo's late son, the applicant's brother.
- [27] In their respective affidavits, Jani and Chazz describe visiting their grandfather on December 6, 2024, and January 19, 2025. On the latter date, Mr. Laszlo discussed his final wishes with his grandsons, including that they have his Montana 5th wheel travel trailer. He is described as having been coherent and clear. He asked his grandsons to help the respondent, who they considered to be their grandmother, sell a Ford F450 truck so that

she could use the proceeds to bring his ashes to Hungary. The bequest of the Montana 5th wheel and instructions regarding the Ford F450 are both terms in the Last Will, but were not in the 2020 Will.

- [28] The respondent also relies on the evidence of Susan Bastable, a friend of the deceased. Ms. Bastable is a pharmacist at the Windsor Regional Hospital. She deposes that she visited Mr. Laszlo regularly during his hospital stay, and that he recognized her and carried on meaningful conversations about his life and memories. Up to her last visit with him in mid-January 2025, Mr. Laszlo was “alert, coherent and confident.” Although he was sometimes in pain and tired, “he always understood what [they] were discussing.”
- [29] Finally, the respondent offers the evidence of Heather Montpetit, Chazz and Jani’s mother. Her affidavit is less helpful. She does not specify how often or when she visited the deceased in December 2024, but states that he “was cognitively aware up until his death.” She states that Ms. Cisek did not check on his well-being, but there is at least one Facebook message between Ms. Cisek and Ms. Laszlo where the former is asking how her father is doing. In addition, Ms. Cisek was in contact with the hospital directly, and as his power of attorney, was receiving direct updates and records from the hospital.
- [30] Ms. Montpetit also criticizes Ms. Cisek for impeding the transportation of the deceased’s body the day he died. However, there is uncontested evidence that Ms. Laszlo refused to disclose the Last Will to Ms. Cisek. Ms. Cisek wrote to the respondent’s lawyer on January 28, 2025, asking for information about Mr. Laszlo’s final wishes because she needed to provide direction to the hospice as to where the body was to go. As a result, I do not accept Ms. Montpetit’s conclusion that Ms. Cisek was motivated by control and greed. Ms. Montpetit’s apparent antipathy toward Ms. Cisek causes me to question the credibility of Ms. Montpetit’s evidence.
- [31] Nevertheless, the evidence of Jani and Chazz, Ms. Bastable, and Mr. Suvajdzin are a complete answer to the applicant’s claim that Mr. Laszlo was incapable of understanding, or that he did not understand, the contents of the Last Will. Mr. Voros’ affidavit does not contradict the respondent’s evidence; he does not affirm that Mr. Laszlo appeared to be confused or incoherent. The medical records also do not include any observations by medical personnel that suggest Mr. Laszlo lacked capacity.
- [32] This is not a situation like *Stone v. Firestone* (12 June 2022), Toronto (Ont. S.C.J.), an unreported decision by Dietrich J., where the applicant deposed that the deceased experienced a sharp decline in her cognitive function following heart surgery and was unable to identify family members. In that case, the applicant’s evidence was that by the time the will was executed, the deceased was rarely coherent. Dietrich J. accepted that the applicant’s uncorroborated evidence met the minimum evidentiary threshold required by *Neuberger*, “albeit barely.”
- [33] Ms. Cisek does not provide any personal observations of the deceased. She does not state in her affidavit that she visited her father nor that she observed him on Facetime in

December or January. Instead, she relies on the medical records and Mr. Voros' incomplete account of Mr. Laszlo's condition.

- [34] The case law confirms that even a diagnosis of dementia, without more, does not determine the question of capacity. To hold otherwise risks falling into impermissible stereotypes about individuals with mental health and other challenges: *Johnson v. Johnson*, 2022 ONCA 682, at para. 13; *Lewis v. Lewis*, 2019 ONCA 690, at para. 6.
- [35] Similarly, Mr. Laszlo's multiple health issues, including cancer, a stroke, and a perforated bowel, do not by themselves call his capacity into question. He had specific bouts of ill health in July 2024 and again in late November and December, that required medication to manage his pain. Despite the absence of any reference in the medical records that Mr. Laszlo was confused, Ms. Cissek asks the court to draw an inference that the medication could or would have affected his capacity when he signed the Last Will.
- [36] Some medications may be associated with side effects which have the potential to affect testamentary capacity, while others may not. It was open to Ms. Cissek to tender evidence to support a suggestion that administration of hydromorphone and other pain medication may possibly have affected her father's testamentary capacity. She did not do so. Like the court in *Dimakarakos v. Alimena*, 2022 ONSC 4386, at para. 35, I decline to draw the inference that Mr. Laszlo's pain medication may have affected his capacity.

b. Suspicious Circumstances and Undue Influence

- [37] The applicant submits that there are suspicious circumstances that can lead to an inference of undue influence, specifically:
- a. Ms. Laszlo first approached Mr. Voros about updating the deceased's will in September 2024. He declined and suggested Mr. and Ms. Laszlo contact a lawyer. There is no evidence that they took steps to contact a lawyer in the fall.
 - b. On December 18 or 19, 2024, Ms. Laszlo again asked Mr. Voros to draft a new will for the deceased and was "persistent."
 - c. Mr. Voros is not a lawyer. He drafted the Last Will based on information obtained from the deceased and Ms. Laszlo, and it was executed without a lawyer present. The Last Will was notarized about a week after Mr. Laszlo passed away.
 - d. The Last Will was not shared with Ms. Cissek before her father died.
- [38] Although these facts on their own may meet the minimum threshold for calling the validity of the Last Will into question, the circumstances are successfully addressed in the respondent's evidence. Ms. Laszlo explains that she and her husband approached Mr. Voros because he is fluent in both English and Hungarian. Phone records and text messages confirm that attempts were made to contact Saverpierre Maggio, a lawyer, on December 19, 2024, and again in January 2025. There is evidence the deceased had a nine-minute

telephone conversation with Mr. Maggio on January 20, 2025, and that the Last Will was taken to his office to be stored before January 28, 2025.

- [39] If Ms. Laszlo was “persistent” with Mr. Voros, the medical records offer an explanation for the desire to have Mr. Laszlo’s will updated. By December 12, 2024, Mr. Laszlo had already been in touch with palliative care. He knew he was a likely candidate for hospice given his overall poor prognosis. It is entirely understandable that he wished to update his will as soon as possible. It is also understandable that an attempt to reach counsel a few days before Christmas proved unsuccessful.
- [40] The evidence overall also shows that Mr. Laszlo and Ms. Cissek did not have a close relationship. Ms. Laszlo describes the relationship between father and daughter as having been “severed” when he moved to Leamington in 2021. There is no evidence Ms. Cissek visited him in person or spoke to him on the telephone during his hospital stay. Sadly, that her father chose not to share his Last Will with her is not unusual.
- [41] Although the respondent was Mr. Laszlo’s fifth wife, all of the respondent’s affiants confirm that the couple had a loving relationship. Ms. Cissek does not dispute this evidence. There was a rational and understandable reason, therefore, for the deceased to leave almost the entirety of his estate to his wife of fifteen years.
- [42] There is also no evidence that Ms. Laszlo exercised undue influence. Mr. Laszlo spoke with Mr. Voros twice on December 18 and again at length the morning of December 19, 2025, concerning the contents of the Last Will. Ms. Laszlo was not present when Mr. Laszlo signed the Last Will.

IV. Conclusion and Order

- [43] For these reasons, I conclude that Ms. Cissek has failed to adduce, or point to, some evidence which, if accepted, would call into question the validity of the Last Will by reason of the deceased’s lack of capacity or understanding. The respondent has successfully answered Ms. Cissek’s evidence of suspicious circumstances and undue influence. Thus, Ms. Cissek has not met the minimum evidentiary threshold standard for a will to be proven in solemn form.
- [44] Accordingly, the application is dismissed.
- [45] The respondent may deliver costs submissions of no more than five pages in length by January 28, 2026. The applicant may file responding submissions of the same length by February 11, 2026. Anyone seeking or defending costs shall deliver a costs outline.

Kalajdzic J.

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Ilona Maria Laszlo, in her personal capacity, and in her
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Respondent

ENDORSEMENT

Kalajdzic J.

Released: December 30, 2025