

COURT OF APPEAL FOR ONTARIO

CITATION: Murray v. Toronto-Dominion Bank, 2026 ONCA 210

DATE: 20260324

DOCKET: COA-25-CV-1200

Tulloch C.J.O., Sossin J.A. and O'Marra J. (*ad hoc*)

BETWEEN

Stuart Cameron Murray

Appellant

and

The Toronto-Dominion Bank

Respondent

Stuart Cameron Murray, acting in person

Hannah Young and Erica Baron, for the respondent

Heard: March 19, 2026

On appeal from the judgment of Justice Markus Koehnen of the Superior Court of Justice, dated August 27, 2025, with reasons reported at 2025 ONSC 4916.

REASONS FOR DECISION

[1] The appellant, Stuart Cameron Murray, appeals from the judgment of the Superior Court of Justice granting summary judgment to the respondent, The Toronto-Dominion Bank (“TD”), and dismissing his action.

[2] Mr. Murray, a former real estate lawyer, alleged that TD committed repeated banking errors in relation to his trust account, including multiple “double withdrawals” connected to certified cheques. He maintains that these errors depleted client funds, caused failed real estate transactions, prompted Law Society intervention, and ultimately contributed to criminal proceedings and the revocation of his licence. He argues that the motion judge erred in dismissing the action on summary judgment, misapplied the law of conversion and detinue, failed to consider damages properly, and incorrectly concluded that the Law Society investigation was triggered by a complaint from a former employee rather than by TD’s conduct.

[3] TD accepts that some certified cheques were inadvertently debited twice but maintains that the errors were identified and corrected. TD’s position is that the Law Society investigation began because of complaints alleging trust-account irregularities, including a complaint made by the appellant’s former law clerk in November 2016, and that the subsequent disciplinary findings and licence revocation resulted from the appellant’s own trust-account mismanagement rather than any bank error.

[4] The motion judge accepted TD’s position. The judge found that, although duplicate debits occurred, the appellant had not established that TD’s conduct caused the Law Society investigation or the losses claimed in the action. The judge further held that the torts of conversion and detinue were not available because

the claim concerned debits to a bank account rather than interference with a specific chattel. In any event, the judge found that the duplicate debits had been corrected and, therefore, caused no recoverable loss. Because those findings were dispositive, the judge did not address TD's contractual or limitation defences.

[5] On appeal, the appellant essentially asks this court to reweigh the evidentiary record and accept his theory that TD's errors triggered the regulatory and criminal consequences he faced. The central issues raised are questions of fact and mixed fact and law, attracting a deferential standard of review. Intervention is warranted only where a palpable and overriding error is demonstrated.

[6] The appellant has not met that standard. The motion judge had before him a substantial evidentiary record, including Law Society materials, affidavits, and cross-examinations. The judge was entitled to conclude that the Law Society investigation was prompted by complaints alleging trust-account irregularities and that the regulatory proceedings uncovered significant trust-account problems independent of the duplicate cheque debits. The judge was also entitled to conclude that those issues, rather than TD's errors, explained the professional consequences faced by the appellant.

[7] Nor do we see reversible error in the motion judge's treatment of the tort claims. The judge found that the duplicate debits had been corrected and that the appellant had not established compensable loss arising from them. Because that

finding is dispositive, it is unnecessary to address the appellant's argument that conversion and detinue can apply to debts such as bank accounts.

[8] Finally, the motion judge did not err in declining to analyze the parties' banking agreement once he determined that the action failed on causation and on the tort claims. Courts are not required to address issues unnecessary to the disposition of the case.

[9] The motion judge's conclusions were open on the record and disclose no palpable and overriding error. The appeal is, therefore, dismissed.

[10] Costs are hereby awarded to the respondent in the amount of \$5,000, inclusive of HST and disbursements, notwithstanding the bill of costs submitted to the court.

"M. Tulloch C.J.O."

"L. Sossin J.A."

"A. O'Marra J. (*ad hoc*)"