

COURT OF APPEAL FOR ONTARIO

CITATION: MCC Mortgage Holdings Inc. v. Robinson, 2025 ONCA 104

DATE: 20250212

DOCKET: COA-24-CV-0648

Nordheimer, Madsen and Pomerance JJ.A.

BETWEEN

MCC Mortgage Holdings Inc.

Plaintiff (Respondent)

and

Pethalee Michele Robinson

Defendant (Appellant)

Pethalee Michele Robinson, acting in person

Jeffrey Kukla, for the respondent

Heard: February 10, 2025

On appeal from the judgment of Justice Janet E. Mills of the Superior Court of Justice, dated June 20, 2024.

REASONS FOR DECISION

[1] Pethalee Michele Robinson appeals from the summary judgment granted by the motion judge that awarded the respondent \$1,191,727.94 together with interest. This is the amount that was due on a mortgage on which the appellant had defaulted. At the conclusion of the hearing, we dismissed the appeal with reasons to follow. We now provide our reasons.

[2] While the appellant raises two issues in her appeal, they are essentially the same issue. She says that she was denied a fair hearing because adequate accommodation was not provided to her arising from the fact that issues with her eyesight render her essentially blind.

[3] The motion for summary judgment was originally brought on November 22, 2023, but it was twice adjourned at the appellant's request – first to March 6, 2024, and then to June 20, 2024. The second return date was marked peremptory to the appellant. Both adjournments were granted, among other reasons, to permit the appellant more time to review the respondent's motion materials and to respond to them. At the time of the second adjournment, the appellant was directed to a guide for self-represented litigants and other online resources that would assist her in preparing a response.

[4] While the appellant complains that her disability was not properly accommodated, she did not make any request for a further adjournment on that basis when the motion was heard. While the appellant did request an adjournment to file a responding affidavit, that request was denied as the appellant was under a previous order to file her material by a certain date, which she did not comply with.

[5] A review of the transcript of the hearing reveals that the appellant raised several concerns, none of which went to the central issue of whether she owed the

monies due under the mortgage. Rather, they went to problems that the appellant had experienced trying to come up with the monies that she needed to place the mortgage back in good standing, as well as reverting back to the problems she is experiencing with her eyesight.

[6] The motion judge provided reasons addressing the matters raised by the appellant and why they did not give rise to any triable issues or to a defence to the claim. The appellant has not shown any error in the motion judge's decision.

[7] It is for these reasons that the appeal was dismissed. The respondent is entitled to its costs of the appeal in the amount of \$8,891.91, inclusive of disbursements and HST on a full indemnity basis in accordance with the terms of the mortgage.

"I.V.B. Nordheimer J.A."

"L. Madsen J.A."

"R. Pomerance J.A."