

COURT OF APPEAL FOR ONTARIO

CITATION: Furney v. Downie, 2025 ONCA 132

DATE: 20250221

DOCKET: M55473 (COA-24-CV-0562)

MacPherson, Huscroft and Coroza JJ.A.

BETWEEN

Maryam Furney, Alex Furney, and the Estate of Mamlekat Adhami

Plaintiffs (Appellants/
Moving Parties)

and

Ann Downie, 2137073 Ontario Inc., Arye Lankar, Lina Balian,
Shawn Gabriel, Elena Keimakh, 2380376 Ontario Limited, Steve
Hazan, Dominion Lending Centres Inc., Ian Minton, Mark Buslovich,
Ryan Atkinson, Atkinson Law, Avi Freedland,
Jordan Sobel, Maniaci Sobel Associates, Samir Chhina,
Richard K. Watson, Mary Panek, Emilio Bisceglia, and Bisceglia and
Associates

Defendants (Respondents/
Responding Parties)

Maryam Furney and Alex Furney, acting in person and for the Estate of
Mamlekat Adhami

Sahil Kesar, for the respondent/responding party Dominion Lending Centres Inc.

Emilio Bisceglia, acting in person and for the respondent/responding party
Bisceglia and Associates

Emilio Bisceglia and Daniel Campoli, for the respondents/responding parties Ann
Downie and 2137073 Ontario Inc.

Ryan J. Atkinson, for the respondents/responding parties Arye Lankar, Lina
Balian, Shawn Gabriel and Elena Keimakh

Jordan D. Sobel, for the respondent/responding party 2380376 Ontario Limited

Bronwyn Martin, for the respondents/responding parties Ryan Atkinson, Atkinson Law, Avi Freedland, Jordan Sobel, Maniaci Sobel Associates, Samir Chhina, and Richard K. Watson

Ian Minton, acting in person

Mark Buslovich, acting in person

Mary Panek, acting in person

Steve Hazan, acting in person

Heard: February 19, 2025

REASONS FOR DECISION

[1] The appellants commenced an action against several defendants, including the respondent Dominion Lending Centres Inc. (“DLC”). They sought to recover various forms of damages for alleged “mortgage fraud and syndicate fraud”. They sought specific performance of a \$7 million funding commitment for various mortgages.

[2] DLC brought a motion before Centa J. of the Superior Court of Justice seeking the dismissal of the action. Centa J. determined that the action was frivolous, vexatious and an abuse of process and dismissed it.

[3] The appellants filed a Notice of Appeal in this court. After the Registrar of this court issued a Notice of Intention to Dismiss for Delay, the appellants brought a motion for an extension of time to perfect the appeal.

[4] In an endorsement released on September 16, 2024, Copeland J.A. dismissed the appellants’ motion.

[5] The appellants seek a panel review of Copeland J.A.'s decision. They contend that "Justice Copeland's dismissal of the motion solely on procedural grounds, without considering the merits of the case, constitutes a fundamental error in law" (factum, para. 9).

[6] We do not accept this submission. In her reasons, Copeland J.A. said:

Based on the record before me, it appears that Centa J. followed the proper procedure under rule 2.1.01. His reasons for finding the claim to be frivolous, vexatious, and an abuse of process apply the relevant legal authorities and appear cogent.

The grounds of appeal raised by the appellants are devoid of merit.

...

I accept that the appellants had an intention to appeal within the relevant period. But the lack of merit of the appeal combined with the prejudice to the responding parties and absence of a reasonable explanation for delay leads me to conclude that it would be contrary to the interests of justice to grant the extension of time for the appellants to perfect their appeal.

[7] We agree with this analysis and conclusion.

[8] The motion is dismissed. The respondent, DLC is entitled to costs of the motion fixed at \$5,000 inclusive of disbursements and HST.

[9] We dispense with the requirement that the appellants approve the order on this motion as to form and content.

“J.C. MacPherson J.A.”

“Grant Huscroft J.A.”

“S. Coroza J.A.”