

COURT OF APPEAL FOR ONTARIO

CITATION: Amaral v. Kennedy, 2012 ONCA 517

DATE: 20120726

DOCKET: M41377 (M41182)

Simmons, Juriansz and Epstein JJ.A.

BETWEEN

Arnaldo Amaral

Applicant

(Appellant/Responding Party)

and

Angela Kennedy and Barbara Poplawski

Respondents

(Respondent in Appeal/Moving Party)

Maureen L. Whelton and Colin P. Stevenson, for the moving party

Peter R. Jervis, for the responding party

Heard: July 20, 2012

On a motion to quash the motion for leave to appeal from the order of the Divisional Court (Aston, MacKinnon and Moore JJ.), dated March 5, 2012.

ENDORSEMENT

[1] The moving party requests an order quashing a motion for leave to appeal from a decision of the Divisional Court. The Divisional Court set aside an order finding that the responding party violated the *Municipal Conflicts of Interest Act*,

R.S.O. 1990, c. M50, and dismissed the moving party's application under that Act.

[2] The issue of whether a right of appeal to this court exists from the decision of the Divisional Court is governed by the *Municipal Conflicts of Interest Act* and not the *Courts of Justice Act*, R.S.O. 1990, c. C43: s. 15 of the *Municipal Conflicts of Interest Act*. See also *Ruffolo v. Jackson*, [2010] O.J. No. 2840, at para. 14.

[3] Section 11(2) of the *Municipal Conflicts of Interest Act* provides that, on an appeal from any order made under s. 10 of the *Municipal Conflicts of Interest Act*, "[t]he Divisional Court may give any judgment that ought to have been pronounced, *in which case its decision is final* (emphasis added)".

[4] Given s. 15, this court's decision in *Ruffolo v. Jackson* and the clear language of s. 11(2) of the *Municipal Conflicts of Interest Act*, we conclude that there is no right of appeal to this court from the Divisional Court's decision. The motion for leave to appeal is therefore quashed.

[5] Costs of the motion are to the moving party on a partial indemnity scale fixed in the amount of \$3,000.00 inclusive of disbursements and applicable taxes.