

COURT OF APPEAL FOR ONTARIO

CITATION: Dyce v. Hubbard, 2012 ONCA 626

DATE: 20120920

DOCKET: C55055

Goudge, Simmons and Gillese JJ.A.

BETWEEN

James E. Dyce

Respondent (Appellant)

and

Megan Hubbard

Applicant (Respondent)

and

Wayne Dyce

(Respondent)

James Dyce, appearing in person

Wayne Dyce, appearing in person

Debora Lyons, for the respondent

Heard: September 18, 2012

On appeal from the order of Justice Thomas J. McEwen of the Superior Court of Justice, dated January 20, 2012.

APPEAL BOOK ENDORSEMENT

[1] The appellant raises a number of peripheral arguments. The application below was fully argued and there is no merit to the appellant's want of service argument. Nor is there error in the application judge in his discretion hearing it with another motion. The appellant filed no motion seeking to cross examine Ms. Hubbard at the hearing and declined the invitation to make submissions following the hearing.

[2] On the merits of the appeal itself the appellant has demonstrated no basis for interfering with the conclusion reached by the application judge. The appeal is dismissed and there is therefore no need to deal with the respondent's motion.

[3] Costs to the respondent fixed at \$1,000 in total.