

COURT OF APPEAL FOR ONTARIO

CITATION: Sutton Group-All Pro Realty Inc. v. Kim, 2014 ONCA 583

DATE: 20140814

DOCKET: C58470

Doherty, Laskin and Epstein JJ.A.

BETWEEN

Sutton Group-All Pro Realty Inc.

Plaintiff (Respondent)

and

Yevgeniy Kim

Defendant (Appellant)

Michael J. Panacci, for the defendant (appellant)

Howard L. Shankman, for the plaintiff (respondent)

Heard: August 11, 2014

On appeal from the judgment of Justice Mew of the Superior Court of Justice, dated February 26, 2014.

APPEAL BOOK ENDORSEMENT

[1] This case turns on the expanded fact-finding powers available on a summary judgment motion under the revised Rule 20. Having regard to the language of the rule as interpreted in *Hryniak v. Mauldin*, [2014] S.C.J. No. 7, we

cannot say that the motion judge erred in making the findings necessary to determine the claim.

[2] In our view, the primary finding in dispute (whether the broker showed the property to the purchaser) was a purely factual one attracting the strong deference referred to in para. 81 of *Hryniak*.

[3] The appeal is dismissed. Costs in the amount of \$5,790.00, including taxes and disbursements.