COURT OF APPEAL FOR ONTARIO

CITATION: Assaf v. Bosada, 2015 ONCA 601
DATE: 20150904
DOCKET: C60055

Cronk, Lauwers and van Rensburg JJ.A.

BETWEEN

Vivian Assaf

Appellant

and

Edward Bosada, Richard Bosada, Naomi Tsuji (Estate Trustee
without a Will of the Estate of Robert Bosada, Deceased),
All as Estate Trustees of the Estate of Taffy Bosado, Deceased,
and the Estate of Lottie Bosada, deceased and in their personal capacities;
and Gloria Haddad and Joan Kouri

Respondents

Richard Park and Daniel Barna, as agents for the appellant

Leonard Max, Q.C., for the respondents

Heard: September 3, 2015

On appeal from the order of Justice Charles T. Hackland of the Superior Court of
Justice, dated January 23, 2015.

APPEAL BOOK ENDORSEMENT

[1]   At the outset of this appeal, the respondents brought a motion seeking to

dismiss or stay the appeal on the basis that William Assaf, allegedly the real

appellant/litigant, is a declared vexatious litigant pursuant to the order of E. Morgan J. of the Superior Court of Justice, dated March 6, 2013.

[2]   Regardless of the identity of the true appellant/litigant, Mr. Barna, agent for the appellant, was unable to advance any justification for the continued retention in court of the funds at issue. Indeed, he acknowledged during oral argument that the female beneficiaries – Gloria Haddad and Joan Kouri – should receive their respective shares of the funds in question.

[3]   No action has been taken to advance the underlying application for more than 10 years. The beneficiaries are now elderly and no viable ground of appeal has been advanced by the named appellant warranting appellate interference with the order of Hackland J. dated January 23, 2015.

[4]   In these circumstances, any irregularity regarding the status of the appellant aside, the appeal is devoid of any merit and it is dismissed. The respondents are entitled to their costs of the appeal, fixed in the amount of $8,000, inclusive of disbursements and applicable taxes, payable by the named appellant.