

COURT OF APPEAL FOR ONTARIO

CITATION: Rebello v. Del Property Management, 2022 ONCA 720

DATE: 20221021

DOCKET: M53179 (C70156)

Feldman, Hoy and Favreau JJ.A.

BETWEEN

Tanya Rebello

Plaintiff

(Appellant/Responding Party/
Moving Party by way of cross-motion)

and

Del Property Management, Laney Choi, Toronto Standard
Condominium Corporation No. 2151, Paragon Security, Paragon
Security Guard (Sam Reza), Paragon Security Guard (Ronald
Crabb), Tony Kamel, Nagib Hanna Kamel, Stephen Chow, Century 21
Atria Realty Inc. Brokerage, and Tridel Group of Companies

Defendants

(Respondents/Moving Parties/
Responding Parties by way of cross-motion)

Eric Turkienicz, for the moving parties/responding parties by way of cross-motion

Tanya Rebello, acting in person (by Zoom, audio only)

Heard: October 14, 2022

REASONS FOR DECISION

[1] The appellant has filed a notice of appeal in this court, seeking to appeal the orders of a judge of the Superior Court of Justice dismissing her appeals of two

orders of a then-Master – one ordering her to pay security for costs and a second, made June 4, 2020, ordering her to pay costs of the security for costs motion – and awarding costs of the appeals to the respondents on a substantial indemnity basis.

[2] The respondents move to have the appeal quashed for want of jurisdiction.

[3] We agree that the orders from which the appellant seeks to appeal are interlocutory. Because both orders are interlocutory in nature and therefore there is no final order that is appealable to this court, s. 6(2) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, which provides that this court has jurisdiction to hear and determine an appeal that lies to the Divisional Court or the Superior Court of Justice if an appeal in the same proceeding lies to and is taken to this court, has no application. Accordingly, the appeal lies to the Divisional Court, with leave, and not to this court, and is quashed for want of jurisdiction.

[4] The appellant also brings a cross-motion seeking leave to appeal two other orders, in addition to the two orders which are the subject of the respondents' motion to quash. Both are costs orders, one dated November 26, 2019 for \$2000, and one dated June 4, 2020 for \$12,037.71.

[5] Again, because all the orders are interlocutory, the appellant's appeal lies to the Divisional Court, with leave, and not to this court. Moreover, the June 4, 2020 costs order is the costs order of the then-Master already appealed to and decided

by the judge of the Superior Court and thus is subsumed by the respondents' motion to quash.

[6] The appellant's cross-motion is dismissed.

[7] The respondents are entitled to their costs of the motion to quash and the cross-motion on the partial indemnity scale, fixed in the amount of \$4,187.83, inclusive of HST and disbursements.

"K. Feldman J.A."
"Alexandra Hoy J.A."
"L. Favreau J.A."