

# COURT OF APPEAL FOR ONTARIO

CITATION: Royal Bank of Canada v. Hogarth, 2023 ONCA 30

DATE: 20230116

DOCKET: C70583

Zarnett, Thorburn and Copeland JJ.A.

BETWEEN

Royal Bank of Canada

Plaintiff (Respondent)

and

Graham Hogarth and Nicole Christine Lobb aka Nicole Lobb

Defendants (Appellants)

Graham Hogarth and Nicole Christine Lobb, acting in person

James Satin, for the respondent

Heard and released orally: January 13, 2023

On appeal from the order of Justice Kendra D. Coats of the Superior Court of Justice, dated February 3, 2022, with reasons reported at 2022 ONSC 959.

## REASONS FOR DECISION

[1] The motion judge granted summary judgment in favour of the respondent bank. She found, based on the evidence and the submissions, that there was no dispute that the appellants entered into the loan and credit card agreements and that the funds had been advanced and not repaid. Her factual findings are entitled to deference in this court. We are not persuaded that there is a legal basis for this

court to interfere with her decision either on the basis of the original record or the fresh evidence that the appellants seek to adduce.

[2] The appeal is dismissed.

[3] Costs are awarded to the respondent in the sum of \$5,000 inclusive of disbursements and applicable taxes.

“B. Zarnett J.A.”  
“J.A. Thorburn J.A.”  
“J. Copeland J.A.”