

COURT OF APPEAL FOR ONTARIO

CITATION: Siebold v. Lawand, 2023 ONCA 276

DATE: 20230421

DOCKET: COA-22-CV-0168

Feldman, Gillese and Huscroft JJ.A.

BETWEEN

Barbara Siebold

Applicant
(Respondent)

and

Anthony Lawand

Respondent
(Appellant)

Arad Moslehi, for the appellant

Barbara Siebold, acting in person (by Zoom)

Heard and released orally: April 19, 2023

On appeal from the judgment of Justice Frederick L. Myers of the Superior Court of Justice, dated September 2, 2022.

REASONS FOR DECISION

[1] The application judge made an order recognizing two judgments of the Circuit Court of the 17th Judicial Circuit in Broward County, Florida, requiring the appellant to pay the respondent approximately \$1.6 million (Canadian) plus post-

judgment interest and costs. The sole issue on this appeal is whether the application judge erred in declining the appellant's request to adjourn the hearing.

[2] The appellant discharged his counsel nine days prior to the hearing of the application. He sought an adjournment of the hearing in order to retain new counsel. The appellant's previous counsel had already filed an application record and factum on his behalf, and the application judge was satisfied that it was not necessary to adjourn the hearing. He ensured that the respondent's counsel addressed each of the grounds relied on by the appellant in his factum.

[3] In oral submissions, counsel submitted that the appellant was prejudiced by the service of two affidavits after the appellant had discharged his lawyer. However, these affidavits merely reviewed the procedural history and provided the post-judgment interest rate. The appellant did not raise any concern about these affidavits with the application judge, nor does counsel point to any specific prejudice to the appellant their admission may have caused.

[4] The decision whether to grant an adjournment is a discretionary one. In the absence of an error in principle or an unreasonable exercise of discretion, the application judge's decision is entitled to deference in this court. We are satisfied that the application judge considered the relevant circumstances in declining to adjourn the hearing and that his exercise of discretion was reasonable. There is no basis for this court to interfere.

[5] The appeal is dismissed. There is no order as to costs.

“K. Feldman J.A.”

“E.E. Gillese J.A.”

“Grant Huscroft J.A.”