

COURT OF APPEAL FOR ONTARIO

CITATION: W.A.C v. C.V.F, 2023 ONCA 595

DATE: 20230914

DOCKET: M53861 (C70714)

Gillese, Benotto and Copeland JJ.A.

BETWEEN

W.A.C.

Applicant

(Respondent/Responding Party)

and

C.V.F.

Respondent

(Appellant/Moving Party)

W.A.C., acting in person

C.V.F., acting in person

Heard: September 5, 2023

REASONS FOR DECISION

[1] The parties are the parents of a 13-year-old child. C.V.F., the appellant, is the mother; W.A.C., the respondent, is the father. For the last seven years, they

have been involved in extensive litigation concerning the father's parenting time, among other issues.

[2] Following four reported interim decisions, several case conferences, the involvement of the Children's Lawyer and the Children's Aid Society, and an 11-day trial in 2021 and 2022, Finlayson J. determined that the father would have decision making authority for the child's counselling. For extensive reasons, he also provided a detailed schedule of parenting time for the father. The decision was released on April 26, 2022.

[3] The mother appealed on June 6, 2022. She requested a new trial, alleging, among other things, procedural unfairness and a failure of the trial judge to allow her various adjournments. She did not perfect the appeal in time, and the Registrar sent a Notice of Intention to Dismiss for Delay. The Notice allowed her until August 2, 2022 to perfect the appeal.

[4] The mother then moved for an order extending the time to perfect her appeal and for a stay of the trial decision of Finlayson J. This motion was heard on July 20, 2022. Coroza J.A. granted the extension to October 3, 2022, but refused the stay. The mother seeks a review of the order before this panel and a further extension of time to perfect the appeal.

[5] We see no basis to interfere with the order of Coroza J.A. refusing the stay. He applied the correct test for the determination of whether a stay should be

granted. He saw no evidence of procedural unfairness. Most importantly, he considered the best interests of the child. The child has been the subject of litigation for over half of his life. The trial judge found that the child's relationship with the father has been seriously impacted because of the actions of the mother. The trial judge's careful reasons addressed this issue and should be implemented. The order of Coroza J.A. is clearly in the best interests of the child.

[6] The time for perfection of the appeal expired on October 3, 2022, and the appeal has not been perfected.

[7] The mother filed materials for perfection on October 3, 2022, which were rejected. On October 4, 2022, the court staff wrote to the mother to advise her that the material she had filed was deficient. The email provided explanations of the deficiencies, and advised her that she would need an extension of time to perfect the appeal. On October 13, 2022, court staff sent another email confirming that a further motion was required to seek the extension. On the same day, October 13, 2022, Sossin J.A. granted an extension of time to file material for the motion.

[8] The deficiencies identified by the court staff have not been addressed, the appeal has not been perfected and the mother seeks a further extension for another 60 days.

[9] We are not prepared to grant any further extensions.

[10] The mother claims that she has not yet read the trial decision which was released 16 months ago. She nonetheless wants to proceed with the appeal. There have been multiple delays. Any further delay is unwarranted.

[11] The motion for a review of the order of Coroza J.A. is dismissed.

“E.E. Gillese J.A.”

“M.L. Benotto J.A.”

“J. Copeland J.A.”