

COURT OF APPEAL FOR ONTARIO

CITATION: Gerasimov v. Ratayev, 2025 ONCA 309

DATE: 20250422

DOCKET: COA-24-CV-1016

Lauwers, Favreau and Dawe JJ.A.

BETWEEN

Alexander Gerasimov, Sofia Gerasimov and
Mykola Ozerianko

Plaintiffs/Defendants by Counterclaim
(Respondents/Appellants by way of cross-appeal)

and

Vadim Ratayev and Irina Ratayeva*

Defendants/Plaintiffs by Counterclaim
(*Appellant/Respondent by way of cross-appeal)

Alex Sutton, for the appellant/respondent by way of cross appeal, Irina Ratayeva

Ari Lokshin, for the respondents/appellants by way of cross appeal, Alexander
Gerasimov, Sofia Gerasimov and Mykola Ozerianko

Heard and released orally: April 15, 2025

On appeal from the order of Justice Markus Koehnen of the Superior Court of
Justice, dated August 15, 2024.

REASONS FOR DECISION

[1] We express concern that the case conference judge's decision might not fall within the range of his authority under rr. 50.13(5) and (6) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. He found in his June 17, 2024 endorsement that there was a settlement and determined the amounts to be paid and to whom.

[2] Regrettably, the case conference judge's reasons for his decision are inadequate. He does not set them out but merely states that he does "not accept [the appellant's] argument that she did not enter into a settlement." The mediation report, which noted that a settlement had been reached, provided no details of the settlement on which the case conference judge could rely. He cited no evidence in support of his findings. There is no record of any evidence before him, and he cites none.

[3] One of the reasons for judicial decisions noted by the Supreme Court in *R. v. Sheppard*, 2002 SCC 26, [2002] 1 S.C.R. 869, at paras. 46 and 66, is to permit meaningful appellate review. If the trial reasons "do not explain the 'what' and the 'why', but the answers to those questions are clear in the record, there will be no error": *R. v. G.F.*, 2021 SCC 20, [2021] 1 S.C.R. 801, at para. 70. However, if the answers are not on the record, "cursory reasons may obscure potential legal errors and not permit an appellate court to follow the trial judge's chain of reasoning": *G.F.*, at para. 75. This was the case here. The lack of intelligible reasons showing a chain of reasoning means that there is no basis on which this court can decide the appeal on the merits. There needs to be an evidentiary record.

[4] The appeal and cross appeal are allowed, and the case conference judge's order is set aside in its entirety. Each party is to bear their own costs.

"P. Lauwers J.A."

"L. Favreau J.A."

"J. Dawe J.A."