

COURT OF APPEAL FOR ONTARIO

CITATION: John Szewczyk Testamentary Trust v. Szewczyk, 2026 ONCA 153

DATE: 20260227

DOCKET: COA-25-CV-0892

Lauwers, Huscroft and Gomery JJ.A.

IN THE MATTER OF THE ESTATE OF JENNIE SZEWCZYK, deceased

BETWEEN

CIBC Trust Corporation, as trustee of the
John Szewczyk Testamentary Trust

Applicant (Respondent)

and

John Szewczyk*, personally and Edward Szewczyk, as trustee of
the Szewczyk Grandchildren's Trust**

Respondents (Appellant*/Respondent**)

Martin Zatovkanuk, for the appellant

Daniel J. Dochylo, for the respondent CIBC Trust Corporation, as trustee of the
John Szewczyk Testamentary Trust

No one appearing for the respondent Edward Szewczyk, as trustee of the
Szewczyk Grandchildren's Trust¹

Heard and rendered orally: February 25, 2026

On appeal from the judgment of Justice William M. LeMay of the Superior Court of
Justice, dated June 6, 2025, with reasons reported at 2025 ONSC 3382.

¹ Although properly served, the respondent did not file any materials and did not participate in the appeal.

REASONS FOR DECISION

[1] The appeal is dismissed. We see no palpable and overriding error in the application judge's interpretation of the will, no error of law and no error in principle and therefore no merit in the appeal.

[2] Because there is an arguable ambiguity in the will that led to this dispute, it is appropriate to require the John Szewczyk Testamentary Trust to absorb the respondent CIBC Trust Corporation's costs, and John Szewczyk's personal costs on a full indemnity basis, without recoupment from John Szewczyk personally.

"P. Lauwers J.A."
"Grant Huscroft J.A."
"S. Gomery J.A."