

# COURT OF APPEAL FOR ONTARIO

CITATION: Condoman Developments Inc. v. Cannect International Mortgage Corporation, 2026 ONCA 237  
DATE: 20260331  
DOCKET: COA-25-CV-0999

Rouleau, Thorburn and Favreau JJ.A.

BETWEEN

Condoman Developments Inc., 1808176 Ontario Inc. and  
Howard Youhanan

Plaintiffs/Defendants by Counterclaim  
(Appellants)

and

Cannect International Mortgage Corporation\*, Cannect Mortgage Investment Corporation\*, Lookout Condoman Development Inc., Theodopolis Development Corp., 2638169 Ontario Inc., 2638170 Ontario Inc. and Marcus Tzaferis\*

Defendants/Plaintiffs by Counterclaim  
(Respondents\*)

Howard Youhanan, acting in person for the appellants

Matthew P. Gottlieb and Dantae Gagnier, for the respondents

Heard and rendered orally: March 26, 2026

On appeal from the order of Justice Edward M. Morgan of the Superior Court of Justice, dated June 25, 2025, with reasons reported at 2025 ONSC 3752.

## REASONS FOR DECISION

[1] This is an appeal from an order striking the appellant's pleadings for failure to pay a costs award in the amount of \$260,500. This was an exercise of the motion judge's discretion. In the particular circumstances of this matter and given the

motion judge's significant history with this case, we see no error in the motion judge's exercise of his discretion to strike the appellant's pleadings.

[2] Today, the appellant seeks to file fresh evidence to demonstrate that the debt is the result of a fraudulent signature. He seeks to adjourn the appeal to file further evidence in pursuit of his position that there was a fraud. The problem with this position is that Koehnen J. has already granted judgment to the respondents and the appellant has not appealed that decision: *Condoman Developments Inc. v. Cannect International Mortgage Corporation*, 2025 ONSC 4529. The issue of whether a fraud was perpetuated is not properly raised before this court in the context of this appeal. The appellant concedes he has made no payment on the outstanding costs award. The appellant has not raised any issues that would justify an adjournment or justify allowing the appeal from the motion judge's decision striking his pleadings.

[3] The appeal is dismissed.

[4] We order costs payable to the respondents, in the amount of \$25,000 all inclusive.

"Paul Rouleau J.A."

"Thorburn J.A."

"L. Favreau J.A."