

COURT OF APPEAL FOR ONTARIO

CITATION: Royal Bank of Canada v. Suretrust Systems Inc., 2026 ONCA 247

DATE: 20260401

DOCKET: M56622 (COA-25-OM-0422)

Rouleau, Thorburn and Favreau JJ.A.

BETWEEN

Royal Bank of Canada

Applicant

and

Suretrust Systems Inc., 11860925 Canada Inc. and Takintope Akinbiyi

Respondents (Respondents)

Matthew Tubie, for the moving party Data & Scientific Inc.

Matilda Lici, for the responding party Grant Thornton Limited, in its capacity as Receiver of Suretrust Systems Inc. and 11860925 Canada Inc.

Heard and rendered orally: March 26, 2026

On review of the order of Justice Darla A. Wilson of the Court of Appeal for Ontario, dated November 20, 2025.

REASONS FOR DECISION

[1] The moving party, Data & Scientific Inc., seeks to review a decision made by Wilson J.A. dismissing its motion for an extension of time to appeal an order made by Penny J. on November 25, 2024.

[2] We see no basis for setting aside the motion judge's order. The moving party has not identified any error in principle, legal error or misapprehension of the evidence, nor has it persuaded us that the outcome was unreasonable. Contrary to the moving party's submissions, the motion judge did not focus solely on the moving party's lack of intention to appeal Penny J.'s order. Nor did she make any error in identifying the prejudice to the respondents. She considered all the circumstances, including the manner in which the receiver has conducted the receivership, and reasonably concluded that the justice of the case does not justify granting the extension.

[3] We also agree with the receiver that the fresh evidence the moving party seeks to adduce on this motion does not meet the test for admission. The moving party has not established that the evidence was not available with due diligence at the time of the motion before the motion judge. In addition, the fresh evidence would have no impact on the outcome.

[4] The motion is dismissed.

[5] Costs are payable to the receiver, in the amount of \$10,000 all inclusive.

"Paul Rouleau J.A."

"Thorburn J.A."

"L. Favreau J.A."