

COURT OF APPEAL FOR ONTARIO

CITATION: Strutzenberger v. Strutzenberger, 2026 ONCA 253

DATE: 20260402

DOCKET: M56598 (COA-25-OM-0427)

Gillese, Madsen and Pomerance JJ.A.

BETWEEN

Peter Alexander Strutzenberger

Applicant (Moving Party)

and

The Director, Family Responsibility Office,  
for the Benefit of Freida Marlene Strutzenberger

Respondent (Responding Party)

Peter Alexander Strutzenberger, acting in person

Peter Howie and Heather Puchala, for the responding party

Heard: March 31, 2026

On review of the decision of Justice David M. Paciocco of the Court of Appeal for Ontario, dated December 1, 2025, with reasons reported at 2025 ONCA 836.

REASONS FOR DECISION

[1] Mr. Strutzenberger brings this motion to review the decision of the motion judge dated December 1, 2025, which dismissed his motion to extend time to appeal the order of Fregeau J. of the Superior Court of Justice, declining to extend time for him to appeal a default order.

[2] At the end of the hearing, we indicated that the motion was dismissed with reasons to follow. These are our reasons.

[3] This panel owes deference to the decision of the motion judge: *Machado v. Ontario Hockey Association*, 2019 ONCA 210, at para. 9. This panel will only intervene where there is an error in law or a misapprehension of material evidence: *SS & C Technologies Canada Corp. v. The Bank of New York Mellon Corporation*, 2021 ONCA 913, at para. 6. The motion judge made no such error. He properly applied the test for an extension of time to appeal: *Enbridge Gas Distribution Inc. v. Froese*, 2013 ONCA 131, 114 O.R. (3d) 636, at para. 15; *Liu v. Chan*, 2024 ONCA 699, at para. 16.

[4] At paragraphs 9 and 10 of his decision, the motion judge explained that, although Mr. Strutzenberger met part of the test on a motion for the extension of time, he nevertheless refused the extension because he found the appeal to be manifestly without merit. On the materials before the court, we find no error in his determination that Mr. Strutzenberger's allegation of the appearance of bias in the Superior Court proceedings could not succeed, and further, that the proposed appeal is an abuse of process.

[5] It was apparent in the hearing that Mr. Strutzenberger feels he has never been properly heard, and that the issues he has raised regarding his incarceration, his pattern of regular support payments, and the calculation of arrears have not

been adequately answered by the courts. However, those issues were previously decided at the Superior Court level and upheld by this court when Mr. Strutzenberger appealed those decisions. Further, this review motion is made in the context of a support enforcement proceeding, not a hearing of the underlying merits of the spousal support order being enforced. As a result, Mr. Strutzenberger's concerns cannot be addressed through his proposed appeal of the order of Fregeau J. nor a review of the motion judge's decision.

**Disposition**

[6] This review motion is dismissed with costs to the Family Responsibility Office in the amount of \$500.00, all inclusive.

"E.E. Gillese J.A."  
"L. Madsen J.A."  
"R. Pomerance J.A."