

CANADA / JUDGMENT

Abdelwahed v. Ahmed

2026 ONCA 33

COURT

Court of Appeal for Ontario

DECIDED

21 January 2026

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Abdelwahed v. Ahmed Collection Decisions of the Court of Appeal Date 2026-01-21 Neutral citation 2026 ONCA 33 Docket numbers COA-25-CV-0807 Judges van Rensburg, Katherine; Paciocco, David M.; Thorburn, Julie Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Abdelwahed v. Ahmed, 2026 ONCA 33 DATE: 20260121 DOCKET: COA-25-CV-0807 van Rensburg, Paciocco and Thorburn JJ.A. BETWEEN Dalia Emam Moha Abdelwahed Applicant/Responding Party (Respondent) and Hassan Bekhit Radwan Ahmed Respondent/Moving Party (Appellant) Hassan Bekhit Radwan Ahmed, acting in person Vanessa Lam, agent for the respondent Heard: January 14, 2026 On appeal from the order of Justice Michael T. Doi of the Superior Court of Justice, dated May 28, 2025, and from the costs order, dated June 24, 2025. REASONS FOR DECISION

- [1] On May 28, 2025, the motion judge below rendered a decision which (1) dismissed Mr. Ahmed's motion to set aside final family law orders dated January 16, 2020 and July 13, 2020 which were made in his absence after he failed to respond to Ms. Abdelwahed's application; and (2) granted Ms. Abdelwahed's cross-motion, requiring Mr. Ahmed to "obtain leave before bringing any further motion, including a motion to change, until all his outstanding costs obligations are paid in full" (the "Leave Order"). On June 24, 2025, after receiving costs submissions, the motion judge ordered Mr. Ahmed to pay Ms. Abdelwahed costs of \$20,000 in relation to the motion (the "Costs Order"). Mr. Ahmed filed a notice of appeal asking that the Leave Order and the Costs Order both be set aside.
- [2] Shortly before the appeal hearing, Mr. Ahmed's relationship with his lawyer ended and he sought to file new appeal materials containing multiple documents and raising new grounds of appeal. Indeed, those proposed grounds purport to challenge not only the May 28, 2025 order, but also the January 16, 2020 and July 13, 2020 orders. His new appeal materials were not accepted for filing because they were served well beyond the deadline and would have caused prejudice to Ms. Abdelwahed, as she had already responded to his original materials and would not have had sufficient time to respond to these new materials prior to the hearing. Therefore, these new appeal materials are not before us.

- [3] At the outset of the oral hearing, Mr. Ahmed said he was not relying on the factum that had been filed in this appeal by the lawyer who was then representing him. He alleged that the lawyer has been conspiring against him with the Court and with Ms. Abdelwahed.
- [4] During his oral submissions Mr. Ahmed alleged, for the first time, that all the orders that were made in the family proceedings were based on false evidence and arose through judicial corruption and conspiracy within the Superior Court of Justice in Brampton, which has caused damage to him and his corporation. He attempted to support those submissions with factual claims made by him that are not contained in the appeal record. He did not bring a fresh evidence motion to allow us to consider any new evidence on appeal.
- [5] Efforts were made to explain to Mr. Ahmed that the only matter before us on appeal is the order of May 28, 2025, and that to succeed in his appeal he must identify an error in the motion judge's reasoning or decision, based on the record that was before the motion judge. Mr. Ahmed did not adhere to that direction, nor did he attempt to identify any such errors beyond persisting with his unsupported claims of false evidence, corruption, and conspiracy.
- [6] By way of relief, Mr. Ahmed asked this Court to halt all proceedings, order an "official investigation", and refer the case back to the Superior Court in Brampton for a motion to change hearing. He asked for this last order because he claims that the Leave Order prevents him from seeking leave to bring any new motion unless he pays all outstanding costs orders, which he cannot do because he is impecunious. Mr. Ahmed is misinterpreting the Leave Order made by the motion judge. During the oral hearing the panel carefully explained to him that the Leave Order does not prevent him from bringing new motions, including a motion to change, until he pays all outstanding costs orders. It simply requires him to obtain leave before bringing any motions. If he does pay the outstanding costs orders, the Leave Order will no longer apply. It was also explained to him that whether he is granted leave will depend on the merits of the leave motion and proposed motion he wants the Court to consider. Despite these clarifications, Mr. Ahmed persisted in requesting an order directing a motion for change hearing because he does not believe that a Brampton court would ever grant him leave to bring such a motion.
- [7] The grounds of appeal Mr. Ahmed pursued in oral argument are not properly before us. He did not request or obtain leave to rely on grounds or seek relief other than those stated and sought in his notice of appeal, as required by rr. 61.08(2) and 61.08(3) of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194. Moreover, the relief he seeks is not available on appeal. In any event, he has not provided any proper evidentiary or legal basis for the orders he is seeking. These grounds of appeal are completely without merit.
- [8] As for the grounds of appeal raised in his appeal materials which were accepted for filing, as explained above, his challenge to the Leave Order is based on a misreading of the order, and in any event, he has not demonstrated any basis for interfering with this discretionary order.

- [9] Mr. Ahmed did not seek leave to bring a costs appeal to challenge the motion judge's Costs Order, so it is not properly before us: *McFlow Capital Corp. v. James*, 2021 ONCA 753, at para. 50. Even had he done so, leave would have been denied. He argues without foundation that the motion judge erred in failing to consider his ability to pay before making the order. The motion judge did not accept his submissions about his ability to pay because they were unsupported by an evidentiary record.
- [10] The appeal is therefore dismissed in its entirety.
- [11] The respondent seeks costs of the appeal on a substantial indemnity basis and an order directing that the costs order is in respect of child support and accordingly enforceable by the Family Responsibility Office.
- [12] We agree. The appellant's conduct of the appeal justifies costs on a substantial indemnity scale. In this regard we note: (1) Mr. Ahmed's non-compliance with procedural rules; (2) his repeated attempts during the hearing to file the appeal materials that were rejected by the panel in advance of the hearing; (3) his unsupported allegations of conspiracy and corruption against judicial officers and his previous counsel; (4) his extravagant and unrealistic demands for compensation in the millions of dollars; (5) an inappropriate racist submission made before the panel; and (6) his use of oral argument to make inappropriate comments to Ms. Abdelwahed about what he would do with his money, after being directed not to do so by the president of the panel.
- [13] Mr. Ahmed is to pay costs of the appeal to Ms. Abdelwahed in the amount of \$10,000, inclusive of disbursements and applicable taxes, within 30 days of the release of this decision with post-judgment interest accruing pursuant to the Courts of Justice Act, R.S.O. 1990, c. C.43, s. 129. This appeal involved a challenge to a child support order. The \$10,000 costs order in this appeal therefore constitutes a "support order" within the meaning of s. 1(1) of the Family Responsibility and Support Arrears Enforcement Act, 1996, S.O. 1996, c. 31: see *Clark v. Clark*, 2014 ONCA 175, 40 R.F.L. (7th) 14, at para. 63; *Wildman v. Wildman* (2006), 82 O.R. (3d) 401 (C.A.), at paras. 52-59, *O.K. v. M.H.*, 2025 ONCA 486, at para. 7. Accordingly, this costs order on appeal is enforceable by the Family Responsibility Office. "K. van Rensburg J.A." "David M. Paciocco J.A." "Thorburn J.A."

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