

CANADA / JUDGMENT

Farmer v. Farmer Estate

2026 ONCA 50

COURT

Court of Appeal for Ontario

DECIDED

27 January 2026

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Farmer v. Farmer Estate Collection Decisions of the Court of Appeal Date 2026-01-27 Neutral citation 2026 ONCA 50 Docket numbers COA-25-CV-0649 Judges Miller, Bradley; Monahan, Patrick J.; Pomerance, Renee M. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Farmer v. Farmer Estate, 2026 ONCA 50 DATE: 20260127 DOCKET: COA-25-CV-0649 Miller, Monahan and Pomerance JJ.A. In the Estate of Winnifred Grace Farmer, deceased BETWEEN Kyrle Blake Farmer Applicant (Appellant) and The Estate of Winnifred Grace Farmer, and Robert Eric Farmer, in his personal capacity and in his capacity as the personal representative of the Estate of Winifred Grace Farmer, and Peter Ross Farmer Respondents (Respondents) Jonathan P.M. Collings, for the appellant Neil Milton, for the respondent Robert Eric Farmer No one appearing for the respondent Peter Ross Farmer Heard and rendered orally: January 26, 2026 On appeal from the order of Justice Kevin B. Phillips of the Superior Court of Justice, dated April 25, 2025. REASONS FOR DECISION

- [1] The appellant argues that the trial judge erred in finding a donative intent with respect to the funds in the testator's bank account. He argues that the trial judge erred in not requiring corroboration with respect to the respondent Eric Farmer's evidence. He argues that the evidence of the other respondents is not sufficiently independent for that purpose. The trial judge, however, was impressed that the evidence of Peter Ross and Kathleen were against their pecuniary interest and was therefore sufficiently independent. Although the appellant characterizes the submission as an error of law, it is in reality an invitation to the court to reweigh the evidence. That is not the function of this court and we decline to do so.
- [2] The appellant also argues that the trial judge erred in not finding that Eric was disentitled to fees for administering the estate because of misconduct. However, the trial judge found that Eric discharged his duties faithfully and there is no basis on which we could interfere with that finding.
- [3] The appellant argues that costs should not have been awarded on a substantial indemnity basis. However, the appellant did not argue this below, and we would accordingly deny leave to appeal costs.
- [4] The appeal is dismissed in its entirety.

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- [5] The respondents are awarded costs of the appeal on a substantial indemnity basis in the amount of \$11,000. “B.W. Miller J.A.” “P.J. Monahan J.A.” “R. Pomerance J.A.”
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