

CANADA / JUDGMENT

Furney v. Robins Appleby LLP

2026 ONCA 59

COURT

Court of Appeal for Ontario

DECIDED

30 January 2026

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Furney v. Robins Appleby LLP Collection Decisions of the Court of Appeal Date 2026-01-30
Neutral citation 2026 ONCA 59 Docket numbers COA-25-CV-0269 Judges Tulloch, Michael H.;
Roberts, Lois B.; George, Jonathon C. Subject Civil Decision Content COURT OF APPEAL FOR
ONTARIO CITATION: Furney v. Robins Appleby LLP, 2026 ONCA 59 DATE: 20260130 DOCKET:
COA-25-CV-0269 Tulloch C.J.O., Roberts and George JJ.A. BETWEEN Maryam Furney and Aidan
Alex Fitzgerald Furney Appellants/Plaintiffs and Robins Appleby LLP, Irving Marks, Ellad Gersh,
Jonathan Preece, and Joey Jamil Respondents/Defendants Maryam Furney, acting in person
Michael R. Kestenberg and Aaron Hershtal, for the respondents Heard: October 3, 2025 On
appeal from the order of Justice Lisa Brownstone of the Superior Court of Justice, dated February
3, 2025, with reasons reported at 2025 ONSC 740. REASONS FOR DECISION

Background

- [1] The appellants commenced proceedings in March 2023 against their former legal counsel, the respondents, alleging professional negligence and breach of duty in relation to litigation and appeals arising from a dispute concerning a residential property.
- [2] The respondents brought a motion for summary judgment, submitting that the claim was statute-barred under the Limitations Act, 2002, S.O. 2002, c. 24, Sch. B. The motion judge agreed, finding that the appellants knew or ought to have known of the material facts supporting a potential claim by no later than March 2019, when they expressly threatened to pursue negligence proceedings. The motion judge dismissed the action because it was commenced nearly four years later, well outside the two-year limitation period. Issues on Appeal
- [3] The appellants contend that:
- The motion judge erred in finding that the claim was statute-barred; and
 - The motion judge failed to consider the respondents' alleged misconduct in the handling of the litigation.

Analysis

- [4] We are not persuaded by the appellants' submissions. The limitation period analysis undertaken by the motion judge was firmly grounded in the evidentiary record and consistent with the requirements of ss. 4 and 5 of the Limitations Act, 2002.
- [5] The appellants were aware of the respondents' role and the alleged deficiencies in their representation no later than early 2018, and they confirmed such awareness through correspondence in 2019 when they threatened legal action. The limitation period, therefore, began to run at the latest in March 2019. Commencing the claim in March 2023 fell well outside the two-year period.
- [6] The appellants have identified no error of law or palpable and overriding error of fact warranting appellate intervention. Their arguments largely repeat allegations already addressed by the motion judge.

Conclusion

- [7] The appeal is without merit. It is accordingly dismissed.
- [8] The respondents are entitled to their costs of the appeal, fixed in the amount of \$20,000, all-inclusive. "M. Tulloch C.J.O." "L.B. Roberts J.A." "J. George J.A."

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