

CANADA / JUDGMENT

Jaymat Limited v. Trichilo

2025 ONCA 854

COURT

Court of Appeal for Ontario

DECIDED

8 December 2025

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Jaymat Limited v. Trichilo Collection Decisions of the Court of Appeal Date 2025-12-08 Neutral citation 2025 ONCA 854 Docket numbers COA-24-CV-0405, M56307 Judges Paciocco, David M.; George, Jonathon C.; Monahan, Patrick J. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Jaymat Limited v. Trichilo, 2025 ONCA 854 DATE: 20251208 DOCKET: M56307 (COA-24-CV-0405) Paciocco, George, and Monahan JJ.A. BETWEEN Jaymat Limited Plaintiff (Respondent/Moving Party) and Gianluca Joseph Trichilo also known as Pino Trichilo also known as Joseph Trichilo, Pino Trichilo operating as Vivo Pizza and Pasta and Vivo Pizza Pasta Franchising Inc. Defendant (Appellant/Responding Parties) Kevin Sherkin and Mark De Sanctis, for the moving party Jacob R.W. Damstra for the responding party Heard: December 3, 2025 On review of the order of Justice Gary Trotter of the Court of Appeal for Ontario, dated September 10, 2025. REASONS FOR DECISION

- [1] The moving party, Jaymat, unsuccessfully sought the lifting of an automatic stay pending the responding parties' appeal of a summary judgment in the amount of \$2,100,000, plus interest. Jaymat seeks a panel review of the chambers judge's order dismissing its motion for a lifting of the stay.
- [2] At the conclusion of oral submissions, we advised that the review motion was dismissed with reasons to follow. These are our reasons.
- [3] A panel review of a decision of a single judge of this Court pursuant to s. 7(5) of the Courts of Justice Act, R.S.O. 1990, c. C.43 is not a de novo determination: *Machado v. Ontario Hockey Association*, 2019 ONCA 210, at para. 9. Discretionary decisions of a chambers judge are entitled to deference. A reviewing panel may only intervene if the chambers judge erred in principle or reached an unreasonable result, or if the chambers judge's decision reflects legal error or a misapprehension of material evidence: *Hillmount Capital Inc. v. Pizale*, 2021 ONCA 364, 92 C.B.R. (6th) 214, at para. 18.
- [4] The chambers judge found that Jaymat's position that the stay should be lifted because otherwise the responding parties would dissipate their assets to be speculative and not rooted in the evidence. This was a finding of fact that was open to the chambers judge on the record before him, and we see no basis upon which to interfere with it.

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- [5] Accordingly, it is unnecessary to consider Jaymat's additional argument alleging that the chambers judge erred in finding that lifting the stay would result in a collateral attack on a previous court ruling in Florida.
- [6] The review motion is dismissed. The responding parties are entitled to costs for both the motion before the chambers judge and this review motion in the total amount of \$15,000 on an all-inclusive basis. "David M. Paciocco J.A." "J. George J.A." "P.J. Monahan J.A."
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