

CANADA / JUDGMENT

Kamil v. Alnoor

2026 ONCA 53

COURT

Court of Appeal for Ontario

DECIDED

27 January 2026

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Kamil v. Alnoor

Collection

Decisions of the Court of Appeal

Date

2026-01-27

Neutral citation

2026 ONCA 53

Docket numbers

COA-25-CV-0711

Judges

Roberts, Lois B.; Coroza, Steve A.; Rahman, Moiz

Subject

Family

Decision Content

COURT OF APPEAL FOR ONTARIO

CITATION: Kamil v. Alnoor, 2026 ONCA 53

DATE: 20260127

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Roberts, Coroza and Rahman JJ.A.

BETWEEN

Noorullah Kamil

Applicant (Appellant)

and

Ruqia Alnoor

Respondent (Respondent)

Noorullah Kamil, acting in person

Nneka Samali, for the respondent

Heard: January 21, 2026

On appeal from the order of Justice Nathalie Des Rosiers of the Superior Court of Justice, dated May 5, 2025.

REASONS FOR DECISION

- [1] At the end of oral submissions, we dismissed the appeal with reasons to follow. These are those reasons.
- [2] The appellant appeals from the May 5, 2025 order made after an uncontested family law trial. The trial was uncontested because the appellant's pleadings were struck for his breach of numerous court orders, including financial disclosure and child support arrears and ongoing child support. The appellant challenges the equalization payment of \$62,833.45 that the trial judge ordered he pay to the respondent. He seeks to file fresh evidence that the respondent failed to advise the court of a 2022 appraisal of the matrimonial home.
- [3] The respondent asks that we dismiss the appeal on three bases: the appellant is in flagrant breach of court orders; his appeal is devoid of merit; and his appeal represents a collateral attack on previous court orders.
- [4] We agree the appeal should be dismissed on these three bases.
- [5] First, the appellant remains in breach of court orders. As highlighted by the respondent in her factum, the record indicates that the appellant was at the time of the trial and remains today in breach of court orders. As a result, the parties were advised prior to the appeal that the panel required them to address the threshold questions of 1) whether the appellant was still in breach of court orders, including child support orders, and 2) if so, whether the panel should hear or quash the appeal.
- [6] The appellant acknowledged that he is still in arrears of child support in the amount of about \$30,000. The respondent says the arrears are closer to \$65,000. The appellant submits that he is trying his best to pay down the arrears and that it would be unfair to quash his appeal because it has merit.

- [7] The court's well-established authority to quash an appeal for breach of court orders was recently described by D.A. Wilson J.A. in *Sigalas v. Sigalas Selas*, 2025 ONCA 75, 12 R.F.L. (9th) 47, at para. 10:

The court can quash an appeal if there has been non-compliance with court orders. The court may consider various factors when determining whether or not the appeal should be quashed, such as the wilfulness of the breach, the amount of arrears, the explanation for the breach, and any attempts to correct the breach. [Citations omitted.]

- [8] Relevant to the circumstances of the present appeal, this court has quashed appeals where a party willfully fails to comply with support orders: see, for example: *S.S. v. S.R.A.*, 2025 ONCA 724, at paras. 7-9; *Abu-Saud v. Abu-Saud*, 2020 ONCA 824, 48 R.F.L. (8th) 330, at para. 4; *Consentino v. Consentino*, 2017 ONCA 593, 98 R.F.L. (7th) 53, at para. 8; *Lamothe v. Ellis*, 2022 ONCA 789, 79 R.F.L. (8th) 8, at para. 4.
- [9] The appellant has offered no reasonable explanation for his continued breach of the child support court orders. He claims that he lost his driver's licence and is thus unable to work. Even if it is true that he lost his license, this does not prevent him from working. And it is significant that the appellant acknowledged that the Family Responsibility Office suspended his licence because of his failure to pay child support.
- [10] Second, the appeal has no merit. In sum, the appellant claims he should have received an equalization payment based on a 2022 appraisal of the matrimonial home. In support of his submission, the appellant brings a motion for fresh evidence that consists of material he argues will demonstrate that the respondent omitted to provide a proper appraisal of the home. There is no basis for the fresh evidence motion, which we dismiss. The fresh evidence could not have affected the result because the matrimonial home was sold before trial in 2023, rendering any earlier appraisal irrelevant.
- [11] The appeal is so devoid of merit that it is frivolous and vexatious and continues a concerning pattern of behaviour described by the trial judge in her reasons for judgment:

Since January 2024, Mr. Kamil has continued to engage in harassing behaviour toward Ms. Alnoor and toward her counsel. Ms. Alnoor's evidence is that he has sent at least twelve emails to her counsel, mostly in relation to his alleged concern for the health of the youngest child. He has threatened to denounce Ms. Alnoor's counsel to the Law Society. He has also attempted to have Ms. Alnoor charged for neglect of the youngest child. He has sent threatening emails to her. He has sent an email to her family demanding payment of \$400,000 and threatening to sue them.

- [12] Finally, the appeal also represents a collateral attack on previous court orders that the appellant did not appeal and that were made because of his frivolous, vexatious and abusive behaviour in these proceedings. It suffices to highlight a few notable examples of these orders.

- [13] On September 6, 2023, Akazaki J. allowed the respondent's urgent motion to dispense with the appellant's consent with respect to the sale of the matrimonial home. The motion judge permitted the sale of the matrimonial home to proceed on the scheduled closing date of September 20, 2023 and vacated the construction lien that the appellant had placed on the property.
- [14] On January 17, 2024, Schabas J. struck the appellant's pleadings, ordered supervised parenting time, and prohibited the appellant from bringing any further motions without leave in the Superior Court because of his failure to comply with multiple court orders, including disclosure of financial information, parenting orders, and payment of child support arrears and ongoing child support. Schabas J. described the appellant's conduct as "egregious", detailing his breaches and misconduct as follows:

In this case, the [appellant's] conduct is egregious. Although he very recently complied with several cost orders, some of which had been outstanding for many months, the [appellant] remains in breach of several other orders including:

- Failing to comply with an order to pay retroactive child support made June 1, 2023;
- Failing to comply with an order to pay prospective child support order made June 1, 2023;
- Violating an order prohibiting the parties from distributing videos or photographs of the children in distress made October 20, 2023 by sending out videos of his child on November 1, 2023;
- Violating an order prohibiting the [appellant] from bringing a motion made September 25, 2023 by bringing a Rule 14B motion on November 23, 2023;
- Violating an order prohibiting the [appellant] from driving with the children inside his vehicle made June 1, 2023 as he drove with one child on several dates in September and October, 2023; and
- Violating a parenting time order made June 1, 2023 by remaining with the child beyond 8PM on October 10, 2023.

The [appellant] has breached at least 12 orders and continues to be in breach of ongoing obligations. Since May 2023 the [appellant] has required the Respondent to attend at five court appearances. He has been found to have abused the court's process by registering liens on the matrimonial home in an attempt to frustrate an order that the home be sold. The [appellant] has said he will continue to breach orders of the Court.

In December 2023, the [appellant] made threats to bring "legal hell" on the Respondent if she does not settle with him. He has also made threats to the supervision service that has been supervising the transfer of the parties' youngest child for visits with the [appellant]. The [appellant] has made threats to the Respondent's lawyer, and is now pursuing a private prosecution against the Respondent for "denying a child the necessity of life." The [appellant] has also indicated that he wishes to add members of the Respondent's family as parties to the

proceeding.

In my view, the conduct of the [appellant] is egregious. It is willful, extensive and continues. In addition to numerous breaches of court orders, his conduct is vexatious and abusive of the court's process. [Emphasis added.]

Conclusion

- [15] There comes a time when enough is enough. The appellant is well past that time. He has put the respondent through unnecessary stress and expense and has not acted in the best interests of his children.
- [16] Applying the relevant principles from the above cases, we are of the view that this is a clear case in which dismissing the appellant's appeal is justified as a result of: his continued and flagrant disregard of court orders, including his fundamental obligation to support his children; the complete lack of merit to the appeal; and the fact that it constitutes a collateral attack on previous court orders. We agree with the respondent's submission that this appeal, including the fresh evidence motion, is the culmination of the long litany of the frivolous, vexatious and abusive steps that the appellant has taken in these high conflict proceedings.

Disposition

- [17] Accordingly, the motion for fresh evidence is dismissed. The appeal is dismissed.
- [18] Until he complies with all outstanding court orders of the Superior Court and this court, including any costs orders, the appellant is prohibited from filing or proceeding with any further matters in this court without first obtaining leave in writing from a single judge.
- [19] The respondent ought not to have been put to any expense in responding to this appeal. She is entitled to her costs of the appeal from the appellant on a substantial indemnity basis in the amount of \$1,722.84, which the appellant shall pay within 30 days.

"L.B. Roberts J.A."

"S. Coroza J.A."

"M. Rahman J.A."

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Prepared on 23 October 2026 · Esheria