

CANADA / JUDGMENT

Louie v. Han

2026 ONCA 25

COURT

Court of Appeal for Ontario

DECIDED

15 January 2026

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Louie v. Han

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COA-25-CV-1054, M56572

Judges

Paciocco, David M.

Subject

Civil

Decision Content

COURT OF APPEAL FOR ONTARIO

CITATION: Louie v. Han, 2026 ONCA 25

DATE: 20260115

DOCKET: M56572 (COA-25-CV-1054)

Paciocco J.A. (Motion Judge)

BETWEEN

Laetitia Louie

Applicant

(Appellant/Moving Party)

and

P Isaac Han a.k.a. Chung-Hing Isaac Hanarty

Respondent

(Respondent/Responding Party)

AND BETWEEN

P Isaac Han a.k.a. Chung-Hing Isaac Hanarty

Applicant

(Respondent/Responding Party)

and

Laetitia Louie

Respondent

(Appellant/Moving Party)

Laetitia Louie, acting in person

Jason Allingham, for the responding party

Heard: January 9, 2026

REASONS FOR DECISION

I. Overview [1] The moving party, Ms. Louie (who is self-represented), and the responding party, Mr. Han, experienced a breakdown of their relationship in 2012. They have been engaged in litigation since 2021 regarding two properties: a townhouse in Markham which was registered in Ms. Louie's name (the "Townhouse") and a condo in Toronto which was owned jointly by Ms. Louie and Mr. Han as tenants in common (the "Condo"). Ms. Louie brought an application (the "Louie Application") seeking an order that the Condo be sold and the proceeds of sale be divided according to specific terms. Mr. Han brought a separate application (the "Han Application") seeking a declaration that he is a beneficial owner of 50% of the title of the Townhouse and an order that the Townhouse be sold with a full accounting of the parties' contributions to the property to determine the division of the proceeds of sale. The applications were ultimately heard together in the Superior Court, but not consolidated.

- [2] In the order of July 2, 2025 (“Order 1”), Mr. Han succeeded in securing a declaration that he holds a 50% beneficial interest in the Townhouse, and the application judge ordered that both the Condo and the Townhouse be sold pursuant to the Partition Act, R.S.O. 1990, c. P.4. The application judge also ordered a reference (the “Reference”) to conduct a complete accounting of the parties’ respective contributions to each property to determine how to divide the ultimate proceeds of sale. The application judge reserved the issue of costs and invited cost submissions from the parties.
- [3] Unbeknownst to the court, Ms. Louie had entered into an agreement of purchase and sale for the Townhouse prior to the application being heard. This led to two subsequent orders being made by the application judge on consent to facilitate the Townhouse sale and to deal with the proceeds consistent with Order 1. The first of the consent orders, made on July 10, 2025, lifted a caution from title and arranged for the payment of proceeds into court (“Order 2”). The second of the consent orders, made on July 21, 2025, authorized the use of proceeds for legal disbursements and authorized the sale to be made immediately (“Order 3”). The sale of the Townhouse closed, and the net proceeds now sit in court, pending resolution of the Reference.
- [4] On July 30, 2025, the application judge rendered an endorsement on the outstanding costs issue from July 2, 2025, ordering Ms. Louie to pay costs on a substantial indemnity basis of \$100,000 (“Order 4”). The formal judgment for the costs order was settled at a case conference on October 2, 2025, but the material terms did not change.
- [5] The Reference is currently underway before an associate judge, and case management orders have been made as part of that Reference. The Reference hearing has not yet occurred.
- [6] Ms. Louie has filed three notices of appeal with this Court. The first notice of appeal dated July 31, 2025, purports to appeal all four orders given by the application judge. Technically, Order 1, Order 2, and Order 3 are distinct orders, each requiring their own appeal path. They should not have been appealed in the same notice of appeal. Order 4 flows from the issue of costs reserved in Order 1. The second notice of appeal dated October 7, 2025, is an appeal of the application judge’s October 2, 2025 endorsement following the case management conference to settle the terms of the formal judgment on the cost award. The third notice of appeal dated October 20, 2025, is an attempt at consolidating the first notice of appeal and the second notice of appeal into a final amended notice of appeal.[1] None of the notices of appeal purport to appeal any of the decisions made by the associate judge within the Reference process.

II. Relief Sought [7] In the motion currently before me, Ms. Louie seeks an array of relief that can best be characterized and organized as follows:

- (a) Orders relating to the conduct of the Reference;

- (b) An order that a “deemed admission” relating to \$173,132 be heard and determined by the Superior Court;
 - (c) An order to deem the appeal perfected;
 - (d) An order to expedite the appeal;
 - (e) An order to stay the proceedings; and,
 - (f) Orders relating to the future conduct of proceedings in the Superior Court.
- [8] I will address these six categories of relief that Ms. Louie sought in turn. I will dismiss each form of relief sought except for her request to deem the appeal perfected, subject to her paying the necessary fee to this Court’s Registrar.

III. Preliminary Note on Jurisdiction [9] It is convenient to first make a preliminary comment on the jurisdiction of this Court to adjudicate Ms. Louie’s appeals, given the volume of the record and the number of decisions below which she seeks to challenge. Prior to this motion hearing, I directed the parties to be prepared to make submissions on jurisdictional issues, as they may weigh on my ability to grant certain relief and/or my assessment of the merits of the appeal where it is relevant to the relief sought. Mr. Han submitted at the hearing that the appeal should be heard by the Divisional Court and provided email correspondence which demonstrated he made the same argument to Ms. Louie in July 2025 when her first notice of appeal was filed.

- [10] Although as a single motion judge I cannot decide issues of jurisdiction, it appears to me that the only order that is properly before this Court on appeal is the declaration in Order 1 that Mr. Han holds a 50% beneficial interest in the townhouse in the Han Application: see *Billimoria v. Mistry*, 2022 ONCA 276, 470 D.L.R. (4th) 406, at paras. 20-21.
- [11] The appeal of the orders for partition and sale arising from both the Han Application and Louie Application in Order 1, and the associated order directing a Reference, appear to fall within the jurisdiction of the Divisional Court, pursuant to s. 7 of the Partition Act: see *Webster v. Groszman*, 2021 ONCA 55; *2650971 Ontario Inc. v. Shameti*, 2022 ONCA 62. Order 2 and Order 3 appear to be interlocutory decisions of the application judge which also fall within the jurisdiction of the Divisional Court and require leave, pursuant to ss. 6(1)(b) and 19(1)(b) of the Courts of Justice Act, R.S.O. 1990, c. C.43 (“CJA”): see *Paulpillai Estate v. Yusuf*, 2020 ONCA 655, at paras. 15-16; *1476335 Ontario Inc. v. Frezza*, 2021 ONCA 822, at paras. 6-7. Finally, the endorsements of the associate judge to facilitate the sale of the condo – which, as noted above, are not formally appealed – appear to fall within the jurisdiction of the Superior Court, pursuant to s. 17(a) of the CJA: see *Kakoutis v. Bank of Nova Scotia*, 2025 ONCA 715, at para. 4.

[12] Should Ms. Louie insist on proceeding with the appeal of all four orders made by the application judge and/or initiate new appeals of any orders made by the associate judge, to avoid the risk that her appeals will be quashed for lack of jurisdiction, she should initiate each appeal in the proper court, and then bring a motion to combine the appeals within the Court of Appeal, pursuant to s. 6(2) of the CJA: see *Rosso v. Rosso*, 2025 ONCA 822, at paras. 5-12. I make no comment about the prospect that such a motion would succeed.

IV. Analysis of Relief Sought A. Orders relating to the conduct of the Reference [13] Ms. Louie, who has lost faith in the way the Reference process is unfolding, seeks several orders relating to its conduct, including a stay of the procedural orders made by the associate judge on the Reference on December 2, 2025; an order expediting the Reference; and an order directing a new process for collecting rent and paying expenses related to the Condo pending its sale. These motions are dismissed because they are not properly before me. Ms. Louie has not brought a notice of appeal relating to any of the associate judge's orders, so I have no jurisdiction to grant the relief sought. In any event, as noted above, each of these motions seek interlocutory relief within an ongoing proceeding and appear to be appeals which would fall within the jurisdiction of the Superior Court, pursuant to s. 17(a) of the CJA.

B. An order that a "deemed admission" relating to \$173,132 be heard and determined by the Superior Court [14] Ms. Louie appears to seek a direction through this motion pertaining to the admissibility and proper use of a response to a request to admit by Mr. Han in December 2021 regarding a \$173,132 contribution that Ms. Louie claims she made to the Condo. She wants this admission accounted for in the Reference process which will decide how the proceeds of sale are divided. In her reasons, the application judge noted Ms. Louie's submission about the \$173,132 contribution to the Condo, which is disputed by Mr. Han, and directed that the disagreement be resolved in the Reference. It appears from the record that on October 28, 2025, the associate judge overseeing the Reference declined to consider requests to admit or responses to such requests which are available in other circumstances under r. 51 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194. Instead, the associate judge directed "[e]vidence, as required, can be led at the Reference hearing itself."

[15] The \$173,132 contribution which Ms. Louie claims she made has not yet been finally adjudicated; the very purpose of the Reference is to determine the parties' respective contributions to the properties to inform how the proceeds of sale should be divided. Ms. Louie is functionally challenging an evidentiary ruling made by the associate judge overseeing the reference. As in the first category of relief sought, she has not properly brought an appeal of the associate judge's October 28, 2025 evidentiary ruling, so I have no jurisdiction to grant the relief she requests. Again, in any event, an appeal of this endorsement would likely need to be brought to the Superior Court pursuant to s. 17(a) of the CJA, since it appears to be an interlocutory order of an associate judge. I make no comment on the admissibility of the purported r. 51 admission that Ms. Louie seeks to rely on.

[16] Ms. Louie should provide the evidence she has pertaining to her claimed \$173,132 contribution to the Condo during the Reference hearing, as directed by the associate judge.

C. An order to deem the appeal perfected [17] Ms. Louie has experienced numerous problems in complying with the perfection requirements. She has objected to several of the directions the Registrar's office has provided and feels she has not been given fair or accurate support. She believes that she has reached an impasse with the Registrar's office that is impeding her access to justice. She asks that her appeals be deemed perfected.

[18] I have reviewed the exchanges. I understand how challenging things have been for Ms. Louie, but I do not accept that she has not been given appropriate support. The shortcomings in her filings have been identified as they have arisen, but Ms. Louie, having misunderstood the rules and the legal doctrines on which she relies, has, at times, chosen to resist rather than seek further assistance and comply.

[19] At this stage, Ms. Louie is only missing two material documents before her appeal can be perfected: (i) the issued and entered order of Merritt J. dated July 2, 2025 (referred to as "Order 1" in these reasons) and (ii) the issued and entered order of Merritt J. dated July 30, 2025 (referred to as "Order 4" in these reasons). Document (i) appears to be Exhibit 4 of Mr. Han's motion record on this motion. Document (ii) appears to be Exhibit 6 of Mr. Han's motion record on this motion. Given Ms. Louie's difficulty perfecting her appeal to date and the likelihood she would again rely on the Registrar's office for assistance, it would not be an efficient use of court resources in these circumstances to direct Ms. Louie to provide the Court with documents which are already in the appeal file, even though they were not properly provided by Ms. Louie in her earlier attempt to perfect her appeal. I would instead direct Mr. Han to include these two issued and entered orders in his compendium for the appeal since they are evidently already in his possession.

[20] I appreciate that Mr. Han believes he is entitled to a "complete 'clean' copy" of the transcript of the one-day application hearing (June 12, 2025) which Ms. Louie has in her possession and has excerpted in the rejected version of her appeal book and compendium. In fact, r. 61.09 of the Rules only requires an appellant to provide a "transcript of evidence" which s. 11.3.1 of this Court's "Practice Direction Concerning Civil Appeals at the Court of Appeal for Ontario" (March 1, 2017) clarifies as referring only to the oral testimony of witnesses given in the presence of a judge. Since this is an appeal from an application decision, no transcript was or is required. However, her decision not to file a complete transcript will make it difficult for her to prove her argument that the application hearing below was procedurally unfair. If she wishes to file the complete transcript in a supplementary appeal book and compendium, the Registrar is directed to accept it as long as it is received by January 23, 2026, and Ms. Louie pays the applicable fee, as discussed below.

[21] I also appreciate that Ms. Louie is attempting to appeal Order 3, dated July 21, 2025 and that there does not appear to be an issued and entered order for this decision. I have already commented on the fact that this order probably does not fall within this Court's jurisdiction

without an order to combine pursuant to s. 6(2) of the CJA. In any event, the application judge's reasons for Order 3 are recorded in an endorsement form, which is in Ms. Louie's materials. This order was made at Ms. Louie's request and is purely procedural, simply amending Order 2 to add a term that allows Ms. Louie to pay legal fees up to \$2,000 from the proceeds of sale of the Townhouse to facilitate that sale. It was made with Mr. Han's consent, subject to Ms. Louie providing contact information for the lawyer and a statement of adjustment for the sale to document the deductions. Ms. Louie's amended notice of appeal does not appear to challenge this order. To the extent this issued and entered order is required under the Rules to perfect the appeal, it is in the interests of justice to dispense with this requirement pursuant to r. 61.09(4). There is no use in delaying this appeal further to obtain an issued and entered order which will have no material bearing on the appeal.

- [22] Despite that Ms. Louie's appeal is now ready to be perfected, there is an additional issue to consider. Ms. Louie is now beyond the deadline to perfect her appeal, and she therefore requires an order granting her an extension. The test to extend time involves considering four factors: (1) whether the appellant maintained their intention to appeal during the relevant period; (2) the length of time and explanation for delay; (3) any prejudice to the respondent; and (4) the merits of the appeal. See *Enbridge Gas Distribution Inc. v. Froese*, 2013 ONCA 131, 114 O.R. (3d) 636, at para. 15. The overarching principle is whether the justice of the case warrants granting an extension: *Rizzi v. Mavros*, 2007 ONCA 350, 85 O.R. (3d) 401, at para. 17.
- [23] It is obvious from the record that Ms. Louie has been attempting in earnest to perfect her appeal for several months. The delay is not overly long and is explained by Ms. Louie's difficulty understanding and complying with the Court's directions, which was evidenced by several email threads among Ms. Louie, counsel for Mr. Han, and court staff. Mr. Han will not face any additional or unique prejudice because of the delay, beyond that which is inherent in the appeal process and can be compensated with cost orders. This is especially true given that the material orders below relating to the sale of the properties and the Reference are not stayed pending appeal: see *2650971 Ontario Inc. v. Shameti*, 2021 ONCA 433, at para. 6. Finally, while I am not persuaded that Ms. Louie's appeal has great merit on its face, and several of the orders she appeals probably do not fall within the jurisdiction of this court, I cannot find that her grounds of appeal have so little merit that I can reasonably deny the important right of appeal: see *Issai v. Rosenzweig*, 2011 ONCA 112, 277 O.A.C. 391, at para. 10. Regarding the issue of Mr. Han's beneficial interest in the Townhouse, Ms. Louie alleges that the application judge failed to consider evidence which showed she solely secured and repaid the mortgage for the Townhouse and bore all expenses. While she will face an uphill battle challenging questions of fact on appeal, her alleged error attacks the application judge's central finding that Mr. Han has a beneficial interest in the Townhouse, which is an issue properly before this Court on appeal. Moreover, there may well be merit to Ms. Louie's challenge to the cost award, specifically as it relates to the prescribed rate of post-judgement interest under the CJA.

[24] The interests of justice favour granting Ms. Louie an extension of time to perfect the appeal in this case. Ms. Louie's appeal is now perfected subject to her paying the applicable fee. She is directed to contact this Court's Registrar without delay to arrange for payment of the fee. If she does not pay the fee by January 23, 2026, the Registrar will dismiss her appeal for delay in its entirety and no further extension will be provided.

D. An order to expedite the appeal [25] Ms. Louie asks me to expedite the scheduling of her appeal. This is a procedural order available to me if I am "satisfied that the urgency of the matter requires an earlier hearing date": see Practice Direction, s. 12.1.3; *UD Trading Group Holding PTE. Limited v. TransAsia Private Capital Limited*, 2021 ONCA 279, at para. 78.

[26] I have no doubt that Ms. Louie is under financial stress, has experienced real health related issues aggravated by the stress of litigation, and holds the honest belief at present that the Condo, which is generating income, should not be sold in the current market. However, it is not in the interests of justice to expedite the appeal, and I decline to make that order. Ms. Louie has not convinced me that there is any urgency to hearing her appeal.

[27] Even assuming the four orders of the application judge are within this court's jurisdiction, there is nothing time-sensitive to determine. The primary order under appeal (Order 1) concerned the sale of two properties. The Townhouse has already been sold and Ms. Louie herself brought the application seeking an order to have the Condo sold. Once the Condo is sold, the only issue remaining concerns the proper division of the proceeds of sale for both properties, which is the purpose of the Reference yet to be completed. The only material issue which has been finally decided and could be reviewed on appeal at the present time is whether the application judge was correct in finding Mr. Han had a 50% beneficial interest in the Townhouse. That issue is purely monetary and can be rectified with an adjustment following appeal if necessary. Some delay is inherent to the appeal process. There is no unusual urgency in this case which would justify prioritizing Ms. Louie's appeal over other appeals in the system perfected before hers.

E. An order to stay the proceedings [28] Ms. Louie proceeded with this motion under the mistaken impression that there was an automatic stay of the orders below. Order 1, Order 2, and Order 3 are not stayed automatically pursuant to r. 63.01(1) of the Rules, as they are not orders "for the payment of money": see *Picavet v. Clute*, 2012 ONCA 441, at para. 3; *Fias v. Souto*, 2015 ONSC 4140 (Div. Ct.), at para. 8. Only Order 4, the cost order, is automatically stayed pending appeal. Any orders of the associate judge are also not stayed pending appeal because they have not been appealed. I have no jurisdiction to grant a stay of orders which were not made by this Court and which have not been appealed to this Court.

[29] Given her mistaken belief, Ms. Louie did not explicitly seek a stay pending appeal.[2] Indeed, when the Registrar's office advised her that she would need to bring a motion for a stay, she treated this as inaccurate information. Nonetheless, Mr. Han's counsel generously interpreted Ms. Louie as having moved for a stay pending appeal. That is understandable because Ms. Louie did ask for other relief which, in substance, could generously be

interpreted as amounting to a request for a stay, such as her request for an order that the parties should not advance any proceeding on matters pending appeal. I will therefore proceed as if there is a motion for a stay before me of Order 1, Order 2, and Order 3, but I would not make such an order.

- [30] The test for a discretionary stay under r. 63.02(1)(b) of the Rules mirrors the test for an interlocutory injunction: *Circuit World Corp. v. Lesperance* (1997), 33 O.R. (3d) 674 (C.A.), at pp. 676-77. The factors to determine whether a stay is in the interests of justice are therefore those set out in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311, at p. 334, namely: (a) whether there is a serious issue to be tried; (b) whether the moving party would suffer irreparable harm if the stay were refused; and (c) the balance of convenience, namely which of the parties would suffer greater harm from granting or refusing the stay.
- [31] Ms. Louie has not established there is a serious issue to be tried. While I found above that her grounds of appeal are not entirely devoid of merit, they barely exceed that threshold. She raises issues of fact relating to the application judge's finding that Mr. Han is a 50% beneficial owner of the Townhouse but has not presented any indication of palpable and overriding errors. She also raises issues of procedural fairness related to the conduct of the application hearing, including time limits and the enforcement of evidentiary rules; while I have no doubt these procedural issues were frustrating for a self-represented litigant, they do not on their face demonstrate significant merit. It is not necessary to consider the merits of her appeal against Order 4, the cost order, because it is already stayed pending appeal, so it is not relevant to the analysis.
- [32] As I have explained, the other grounds of appeal which attack the orders other than the application judge's declaration appear to be outside the jurisdiction of this court. This militates against granting a stay because Ms. Louie cannot succeed in an appeal where this court lacks jurisdiction: *Fontaine v. Attorney General of Canada*, 2020 CanLII 64770 (Ont. C.A.), at para. 14; *Fontaine v. Canada (Attorney General)*, 2018 ONCA 749, at para. 5. Moreover, even if those grounds of appeal were within the jurisdiction of this Court, or if they become within this Court's jurisdiction under s. 6(2) of the CJA, they too lack merit. Each of the other orders the application judge made appear to have been at Ms. Louie's request or with her consent: (i) she sought the order for partition and sale of the Condo subject to adjustments for past contributions (which will be decided by the Reference); (ii) she unilaterally entered into an agreement of purchase and sale of the Townhouse before the application hearing, so clearly did not object to its sale; (iii) she agreed that if the application judge found Mr. Han had beneficial ownership in the Townhouse a reference would be appropriate to determine their respective contributions; and (iv) she sought and received the further orders related to the Townhouse in Order 2 and Order 3. She has pointed to no evidence of duress or coercion that could undermine her agreements listed above. The prospect of a successful appeal from those orders is therefore minimal.

[33] I am also not satisfied that Ms. Louie will suffer irreparable harm if the stay is refused. The money from the sale of the Townhouse is sitting in court, and any proceeds from the sale of the Condo will similarly be paid into court. The proceeds will be distributed pursuant to the Reference, which can be appealed when finalized if it is not conducted properly. The material issues Ms. Louie raises concern the division of proceeds of sale of the two properties. That is a purely monetary issue, which does not traditionally qualify as irreparable harm because it can be cured with a subsequent payment order: *RJR-MacDonald*, at p. 341. Ms. Louie has therefore not shown evidence that permanent and non-compensable harm will occur if the stay is not granted: *Temagami (Municipality) v. Temagami Barge Limited*, 2024 ONCA 859, at para. 11.

[34] Finally, Ms. Louie has not shown that the balance of convenience favours her in the circumstances. She explicitly pleaded that she is “at imminent risk of being forced into bankruptcy”. Meanwhile, Mr. Han pleaded the longer the sale of the Condo is delayed, the risk that Ms. Louie’s creditors will take enforcement steps against the Condo increases, which would deprive both Mr. Han and Ms. Louie of the chance to control the disposition of their jointly owned asset on the most favourable terms possible. The prompt sale of the Condo, rather than a stay of the order for partition and sale, is the more just outcome.

[35] Therefore, I deny Ms. Louie’s request for a stay of any of the orders pending appeal. Order 4, the cost order, was already automatically stayed pending appeal and requires no further order.

F. Orders relating to the future conduct of proceedings in the Superior Court [36] Finally, Ms. Louie seeks two orders which broadly relate to the future conduct of proceedings in the Superior Court: (i) a direction that if Mr. Han fails to comply with interim measures, the Superior Court may take his non-compliance into account on any future procedural or cost determinations; and (ii) an order that any future proceedings in the Superior Court relating to the judgment under appeal including the Reference proceed before new judges.

[37] I do not have jurisdiction to make these two orders, so they are also denied. Ms. Louie may make these arguments at her appeal hearing when she makes submissions on costs and the remedy sought, if she wishes.

V. Conclusion [38] The motion is dismissed, except for Ms. Louie’s request that her appeal be deemed perfected, which I am granting subject to her paying the applicable fee to the Registrar by January 23, 2026.

[39] Mr. Han was materially successful on this motion; of the ten forms of relief Ms. Louie sought, I am granting only one, and I do so conditionally.

[40] Costs are payable by Ms. Louie to Mr. Han in the amount of \$8,965.19, inclusive of applicable taxes and disbursements.

“David M. Paciocco J.A.”

- [1] The first and third notices of appeal were accepted this Court and share the same Court of Appeal file no.: COA-25-CV-1054. It is not clear whether Ms. Louie formally served and filed her second notice of appeal, but it appears that it was not accepted by this Court. In any event, it appears that the material grounds of appeal in the second notice of appeal are captured in the consolidated third notice of appeal, which was accepted by this Court and supersedes any previous notices of appeal.
- [2] She did request a stay pending appeal of the associate justice's procedural orders concerning the Reference made on December 2, 2025, but she does not appear to request a stay of Order 1 directing the Reference occur.
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