

CANADA / JUDGMENT

Rabbani v. Furney

2026 ONCA 43

COURT

Court of Appeal for Ontario

DECIDED

23 January 2026

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Rabbani v. Furney Collection Decisions of the Court of Appeal Date 2026-01-23 Neutral citation 2026 ONCA 43 Docket numbers COA-24-CV-0041, M56258 Judges George, Jonathon C.; Favreau, Lise G.; Gomery, Sally A. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Rabbani v. Furney, 2026 ONCA 43 DATE: 20250123 DOCKET: M56258 (COA-24-CV-0041) George, Favreau and Gomery JJ.A. BETWEEN Mohammad Ali Rabbani Plaintiff/Defendant by Counterclaim (Respondent/Responding Party) and Alex Aidan Fitzgerald Furney also known as Alex Furney and Maryam Furney and Hassan Hashemi Defendants/Plaintiffs by Counterclaim (Appellants/Moving Parties) Alex Aidan Fitzgerald Furney and Maryam Furney, acting in person Louis Vittas, for the respondent Heard: in writing REASONS FOR DECISION

- [1] On December 23, 2024, we dismissed the appellants' appeal of the December 15, 2023 judgment of Donohue J. of the Superior Court of Justice. Their application for leave to appeal to the Supreme Court of Canada was dismissed on July 17, 2025, and their motion for reconsideration by the Supreme Court was not accepted for filing.
- [2] The appellants now ask this court to set aside the order dismissing their appeal pursuant to rr. 59.06(2)(a) and (b) of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194. They claim to have discovered new facts and that the dismissal of their appeal was obtained by fraud. They ask us to reopen the appeal and dismiss the responding party's originating claim.
- [3] A motion to reconsider is not an opportunity to reargue the appeal or to recast or revisit issues that have already been decided: *Render v. ThyssenKrupp Elevator (Canada) Limited*, 2022 ONCA 512, at para. 9. A court will reopen an appeal "sparingly and only where it is clearly in the interests of justice". This is a "high hurdle": *Meridian Credit Union Limited v. Baig*, 2016 ONCA 942, 6 C.P.C. (8th) 33, at para. 7; *Mujagic v. Kamps*, 2015 ONCA 360, 125 O.R. (3d) 715, at para. 5; *Chuang v. Toyota Canada Inc.*, 2016 ONCA 852, 66 C.L.R. (4th) 177, at para. 7.

- [4] The appellants submit that they have discovered new documents which support their allegations of “systemic fraud, unlawful conduct, and procedural misconduct that were not previously available and fundamentally alter the evidentiary and legal landscape.” They rely primarily on documents that have been available throughout this litigation, as well as judicial endorsements and submissions in the court below. None of these materials satisfy the stringent test to reopen an appeal.
- [5] The appellants’ claims, which they have reiterated in their notice of motion and throughout the materials filed in support of the motion, were advanced in the court below and on appeal, and have already been rejected.
- [6] There is no basis to set aside the order dismissing the appeal and to rehear the case on its merits.
- [7] Accordingly, the motion is dismissed.
- [8] Costs are payable by the appellants to the respondent in the all-inclusive amount of \$4,500. “J. George J.A.” “L. Favreau J.A.” “S. Gomery J.A.”
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