

CANADA / JUDGMENT

Riva Plumbing Limited v. Ferrari

2026 ONCA 297

COURT

Court of Appeal for Ontario

DECIDED

24 April 2026

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Riva Plumbing Limited v. Ferrari Collection Decisions of the Court of Appeal Date 2026-04-24 Neutral citation 2026 ONCA 297 Docket numbers COA-25-CV-0911 Judges George, Jonathon C.; Copeland, Jill M.; Gomery, Sally A. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Riva Plumbing Limited v. Ferrari, 2026 ONCA 297 DATE: 20260424 DOCKET: COA-25-CV-0911 George, Copeland and Gomery JJ.A. BETWEEN Riva Plumbing Limited, MDJL Holdings Ltd. and Luca Montanaro Plaintiffs (Appellants) and Anthony Ferrari, a.k.a. Tony Ferrari, 531302 Ontario Inc., Icon Plumbing and Heating Ltd., Mike Ladisa and Joseph Ferrari Defendants (Respondents) Ralph Cuervo-Lorens and Anna Stabb, for the appellants W. Ross MacDougall, for the respondents, Anthony Ferrari a.k.a. Tony Ferrari and 531302 Ontario Inc. Joseph P. Maggisano and Vanessa Maggisano, for the respondents, Icon Plumbing and Heating Ltd., Mike Ladisa and Joseph Ferrari Heard and rendered orally: April 21, 2026 On appeal from the judgment of Justice Robert Centa of the Superior Court of Justice, dated May 29, 2025, with reasons reported at 2025 ONSC 3219. REASONS FOR DECISION

- [1] The appellants appeal the judgment dismissing their claims that the respondents committed various economic torts, breached fiduciary duties, and that Anthony Ferrari breached the terms of a settlement agreement, which included non-competition terms. In addition, the appellants appeal the judgment in favour of Mike Ladisa in his counterclaim for an unpaid bonus. The appellants abandoned in oral argument the ground of appeal regarding Joseph Ferrari's bonus counterclaim.
- [2] The trial judge rejected the appellants' claims on the basis that the trial evidence failed to prove that any of the respondents competed unlawfully or in breach of any duties owed to the appellants. In making these findings, the trial judge repeatedly made credibility findings adverse to Luca Montanaro, the principal of the appellants.
- [3] With respect to the counterclaim for the unpaid bonus, the trial judge found that the bonus scheme was a non-discretionary and integral part of Mr. Ladisa's compensation, based solely on the company's profits. Continuing employment was not a condition of receiving the bonus. As such, Mr. Ladisa was entitled to a pro rata share of his bonus for the fiscal year ending January 31, 2013.

- [4] The appellants argue that the trial judge: (1) erred in law in relation to the legal principles governing fiduciary duty; (2) erred in law and made palpable and overriding errors in his interpretation of the non-competition terms in the settlement agreement; (3) erred in law of his assessment of damages (an assessment that was made in the alternative); and (4) erred in law and made palpable and overriding errors regarding the bonus entitlement in the counterclaims.
- [5] Although the appellants frame many of their grounds of appeal as errors of law, their real complaints are with the trial judge's findings of fact.
- [6] We are not persuaded that the trial judge committed any error of law. Nor are we persuaded that the trial judge made any palpable and overriding error in his findings of fact or mixed fact and law. The trial judge carefully and thoroughly explained his factual and credibility findings based on the evidentiary record before him. The facts he found and the inferences he drew – and did not draw – were open to him on the evidentiary record.
- [7] The appeal is dismissed. The Ferrari respondents are entitled to their costs of the appeal on a partial indemnity basis in the amount of \$48,500, inclusive of disbursements and HST. The Icon respondents are entitled to their costs of the appeal in the appeal on a partial indemnity basis in the amount of \$45,000, inclusive of disbursements and HST. “J. George J.A.” “J. Copeland J.A.” “S. Gomery J.A.”

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