

CANADA / JUDGMENT

# S.S. v. S.R.A.

2025 ONCA 724

## COURT

Court of Appeal for Ontario

## DECIDED

22 October 2025

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S.S. v. S.R.A. Collection Decisions of the Court of Appeal Date 2025-10-22 Neutral citation 2025 ONCA 724 Docket numbers M56053 Judges Tulloch, Michael H.; Roberts, Lois B.; George, Jonathon C. Subject Family Decision Content COURT OF APPEAL FOR ONTARIO CITATION: S.S. v. S.R.A., 2025 ONCA 724[1] DATE: 20251022 DOCKET: M56053 Tulloch C.J.O., Roberts and George JJ.A. BETWEEN S.S. Applicant (Respondent/Moving Party) and S.R.A. Respondent (Appellant/ Responding Party) Michael J. Stangarone and Julia McArthur, for the moving party Ayaz Mehdi, for the responding party Heard: October 3, 2025 REASONS FOR DECISION

- [1] The respondent moved to quash the appellant's appeal. At the conclusion of the motion, we advised the parties that the motion was allowed and the appeal was dismissed for reasons to follow. These are our reasons.
- [2] The appellant and the respondent are former spouses who have a young child. They separated in June 2020. Their protracted and high conflict family law proceedings culminated in the May 21, 2024 trial judgment that the appellant has appealed. In the May 21, 2024 judgment, the trial judge was highly critical of the appellant, highlighting his long-standing failure to honour his support obligations and his steadfast efforts to alienate the parties' son from the respondent, including keeping their child from school for several months so the respondent could not exercise her ordered parenting time. As the trial judge put it, "[the appellant] has engaged in a pattern of coercive and controlling behaviour consistently over time since the separation", in a way that constituted psychological abuse of the parties' child. Additionally, the trial judge found that the appellant had "disparaged and humiliated" the respondent throughout the trial. The trial judge ordered that the appellant immediately pay his arrears and ongoing support and facilitate the child's parenting time with his mother.
- [3] The appellant has brought numerous unsuccessful motions in the Superior Court and this court. Notably, on February 10, 2025, Zarnett J.A. of this court stayed the appellant's appeal until he paid outstanding support arrears. Zarnett J.A. allowed the respondent to bring a motion to quash the appeal if the appellant failed to pay the arrears within 30 days. He failed to do so.

- [4] Instead, he brought an unsuccessful motion before Thorburn J.A. to stay the May 21, 2024 judgment. In dismissing the appellant's stay motion, Thorburn J.A. characterized it as an abuse of process.
- [5] The appellant did not seek a review of this court's orders.
- [6] On June 25, 2025, the respondent obtained an order requiring the appellant to return their child to the respondent's care, which was enforced by the police. The appellant has not sought to appeal from this order. More recently, the appellant has instigated a motion to stay the efforts of the Family Responsibility Office to garnish his wages to satisfy his ongoing support obligations and has scheduled a motion in March 2026 to stay the May 21, 2024 judgment.
- [7] Section 134(3) of the Courts of Justice Act, R.S.O. 1990, c. C.43, permits an appellate court to quash an appeal "in a proper case". This discretionary power will only be exercised in the clearest of cases. Relevant to the circumstances of the present appeal, this court has quashed appeals where a party willfully fails to comply with court orders, such as support orders: see, for example: *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 789, 79 R.F.L. (8th) 8, at para. 4.
- [8] The present case is one of those clearest of cases justifying the quashing of an appeal. The appellant has deliberately and unwaveringly breached crystal-clear orders, which are not stayed by his appeal, requiring him to allow his former spouse parenting time and to pay spousal and child support. The appellant remains in substantial arrears of his support obligations and, further, has failed to satisfy costs orders that are not under appeal.
- [9] It is beyond well-established that support and parenting orders are not stayed by an appeal and that all orders that are not stayed must be followed until they are set aside or amended. The appellant's breaches not only detrimentally affect his former spouse and their child, who, he acknowledges, are financially dependent on him, but they bring the administration of justice into disrepute.
- [10] This is an egregious case. As we have already summarized, the record establishes that before the Superior Court and this court, the appellant has engaged in vexatious and frivolous behaviour. He has refused to comply with court orders; pursued frivolous and unmeritorious steps in the proceedings, seeking to relitigate support and parenting issues; and filed compendious and misleading materials.
- [11] Before the stay of his appeal, he failed to take the requisite steps to perfect his appeal. His appeal appears unmeritorious, as the grounds amount to no more than a thinly veiled attempt to have this court revisit the trial judge's careful findings of fact and credibility, all of which were open to the trial judge to make.

- [12] The appellant's flagrant disregard of court orders and of his fundamental support and parenting obligations continues his entrenched pattern of misconduct designed to punish his former wife and alienate her from their child.
- [13] The appellant's misconduct bears all the distinct hallmarks of frivolous and vexatious litigation: *Talwar v. Grand River Hospital*, 2025 ONCA 35, at para. 3; *J.J.W. v. K.F.*, 2024 ONCA 362, 1 R.F.L. (9th) 1, at paras. 19-22.
- [14] The court cannot tolerate this kind of deliberate misbehaviour.

## Disposition

- [15] For these reasons, we make the following order:
- (1) The appeal is dismissed as quashed.
  - (2) The appellant shall pay the respondent her costs of this motion and the appeal on a full indemnity basis in the agreed upon amount of \$20,000, within 30 days of the date of this order.
  - (3) Until the appellant has completely satisfied all court orders in the Superior Court of Justice and this court, including the costs order in paragraph 2 herein, he is not entitled to bring or continue any further proceedings, including motions to change, without first seeking, in writing, leave from the Superior Court or this court, as the case may be. "M. Tulloch C.J.O." "L.B. Roberts J.A." "J. George J.A."
- [1] This court continues the use of initials for the privacy protection of the parties and minor child, for the reasons expressed by the trial judge below.

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