

CANADA / JUDGMENT

Spencer v. Omega Insurance Company

2025 ONCA 859

COURT

Court of Appeal for Ontario

DECIDED

10 December 2025

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Spencer v. Omega Insurance Company Collection Decisions of the Court of Appeal Date 2025-12-10 Neutral citation 2025 ONCA 859 Docket numbers COA-25-CV-0369, M56304 Judges Trotter, Gary T.; Copeland, Jill M.; Gomery, Sally A. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Spencer v. Omega Insurance Company, 2025 ONCA 859 DATE: 20251210 DOCKET: M56304 (COA-25-CV-0369) Trotter, Copeland and Gomery JJ.A. BETWEEN Katie Spencer and Elite Insurance Company Applicants (Respondents/Responding Parties) and Omega Insurance Company, Martin & Hillyer Associates and John Belton* Respondents (Appellant*/Moving Party*) Peter I. Waldmann, for the appellant/moving party Olivier Guillaume and Suraj Sharma, for the respondents/responding parties Heard: December 8, 2025 On review of the order of Justice Grant Huscroft of the Court of Appeal for Ontario, dated September 2, 2025. REASONS FOR DECISION

- [1] Pursuant to s. 7(5) of the Courts of Justice Act, R.S.O. 1990, c. C.43 (“CJA”), the appellant seeks to review the order of the motion judge dismissing a motion to extend time to perfect the appeal.
- [2] After hearing submissions, we granted the motion and made the order set out in the final paragraph of these reasons, with reasons to follow. These are our reasons.
- [3] In our view, and with respect, the justice of the case required that the extension of time to perfect be granted. The appellant attempted to file the materials required to perfect the appeal the day before the Registrar’s notice of intent to dismiss the appeal was sent. The materials were rejected by staff because of several defects. However, the defects were primarily technical and easily remedied. There is no evidence of prejudice to the respondents from the short delay in perfecting the appeal.
- [4] The review motion is granted. The order of the motion judge is set aside and the extension of time to perfect the appeal is granted. The appellant shall perfect the appeal by December 19, 2025. If the appeal is not perfected by that date, the appeal is deemed dismissed. As agreed by the parties, the appellant is entitled to costs of the motion in the amount of \$3,500, inclusive of disbursements and applicable taxes. “Gary Trotter J.A.” “J. Copeland J.A.” “S. Gomery J.A.”

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Prepared on 26 October 2026 · Esheria