

CANADA / JUDGMENT

Strutzenberger v. Strutzenberger

2026 ONCA 61

COURT

Court of Appeal for Ontario

DECIDED

30 January 2026

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Strutzenberger v. Strutzenberger Collection Decisions of the Court of Appeal Date 2026-01-30
Neutral citation 2026 ONCA 61 Docket numbers COA-25-OM-0427, M56612 Judges Lauwers, Peter D. Subject Family Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Strutzenberger v. Strutzenberger, 2026 ONCA 61 DATE: 20260130 DOCKET: M56612 (COA-25-OM-0427) Lauwers J.A. (Motion Judge) BETWEEN Peter Alexander Strutzenberger Applicant (Moving Party) and The Director, Family Responsibility Office, for the benefit of Freida Marlene Strutzenberger Respondent (Responding Party) Peter Alexander Strutzenberger, acting in person Christopher Stanek, appearing as amicus curiae, Pro Bono Ontario Peter Howie, for the responding party Heard: January 28, 2026 REASONS FOR DECISION

- [1] Mr. Strutzenberger has brought a motion for panel review of the order of Paciocco J.A., which dismissed his motion for an extension of time to, in effect, appeal an order for payment of spousal support arrears. In the motion before me, Mr. Strutzenberger seeks permission to have his hearing before Paciocco J.A. transcribed to assist in his argument before the review panel.
- [2] On November 26, 2025, Paciocco J.A. heard Mr. Strutzenberger's motion to extend the time to appeal the denial of an extension of time to appeal the final default order of March 6, 2025: Strutzenberger v. Strutzenberger, 2025 ONCA 836. The background is set out in Paciocco J.A.'s decision: On March 6, 2025, the Family Responsibility Office initiated a default hearing against Mr. Strutzenberger in which he was ordered to pay arrears of \$52,567.92, and in default of payment, to be incarcerated for 90 days. That same day he was taken into custody and ultimately served the sentence imposed. On August 15, 2025, Mr. Strutzenberger argued a motion in the Superior Court of Justice to extend the time to appeal the final default order of March 6, 2025, which was dismissed by Fregeau J. in reasons released on August 19, 2025. Mr. Strutzenberger now wishes to appeal the denial of the extension and seeks an extension of time to do so. He forwarded a Notice of Appeal dated October 1, 2025. Although it is not clear when that document was served or provided to the court, I will assume for the purpose of this motion that it was the same day. He was therefore approximately two weeks late in initiating his appeal.

- [3] Justice Paciocco concluded that it was not in the interest of justice to grant Mr. Strutzenberger the extension of time and declined to exercise his discretion to do so.
- [4] Section 17 of the court's Practice Direction Concerning Civil Appeals states:
1. The Court of Appeal is not a "court of record". Its oral hearings are not monitored or transcribed as a matter of routine. However, the Court of Appeal records all hearings that are held in open court through the use of digital audio recording. Unless a judge orders otherwise, a copy of a digital audio recording is available upon request, provided that the proceedings are not subject to a statutory publication ban or other court order that prevents the release of the digital audio recording.
 2. Requests for access to digital audio recordings should be made in the Registrar's Office and are subject to payment of the prescribed fee, unless a fee waiver certificate is produced. Such recordings are for personal use, and will not be released unless the person requesting the recording signs an undertaking agreeing to respect the limits on the permitted uses of the recording.
 3. A person seeking to have a transcript of a hearing made must bring a motion for permission to do so before a single judge. Once the order is obtained, the person may have the recording transcribed at the person's own expense.
 4. The publication, broadcasting, reproduction or other dissemination of an audio recording of a court hearing is prohibited unless expressly authorized by a court order. [Emphasis added.]
- [5] In my view the Practice Direction establishes a presumption that preparation of a transcript of a hearing in this court will not usually be permitted. There is limited jurisprudence on the criteria a single judge should consider in granting permission to have a transcript. Mr. Strutzenberger does not allege that there were any irregularities in the hearing. He is able to function and is articulate. He has provided no argument as to why it would be in the interest of justice to make the order he seeks. I am not persuaded that the transcript would assist Mr. Strutzenberger or the panel in hearing his motion to review the order of Paciocco J.A.
- [6] The motion for permission to have the proceedings before Paciocco J.A. transcribed is dismissed. "P. Lauwers J.A."

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Prepared on 29 October 2026 · Esheria