

CANADA / JUDGMENT

Yan v. Xu

2026 ONCA 138

COURT

Court of Appeal for Ontario

DECIDED

26 February 2026

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Yan v. Xu Collection Decisions of the Court of Appeal Date 2026-02-26 Neutral citation 2026 ONCA 138 Docket numbers COA-24-CV-1280, M56531 Judges Trotter, Gary T.; Monahan, Patrick J.; Dawe, Jonathan Subject Family Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Yan v. Xu, 2026 ONCA 138 DATE: 20260226 DOCKET: M56531 (COA-24-CV-1280) Trotter, Monahan and Dawe JJ.A. BETWEEN Jue Yan Applicant (Appellant) and Wei Xu Respondent Pamila Bhardwaj, for the applicant Joseph Paradiso, for the respondent Heard: February 23, 2026 On review of the order of Justice Lene Madsen of the Court of Appeal for Ontario, dated December 3, 2025.

REASONS FOR DECISION

- [1] The moving party seeks to set aside the order of the motion judge denying an extension to perfect an appeal of a February 27, 2023 Superior Court order.
- [2] As the motion judge noted, the proceedings in this court have been subject to numerous delays. The motion judge had previously granted an extension to perfect the appeal to May 16, 2025, but also cautioned that no further extensions would be granted. Notwithstanding that clear direction the appeal has still not been perfected. In denying any further extension in her December 3, 2025 order, the motion judge noted the significant delay as well as the fact that prejudice to the responding party was mounting.
- [3] A panel review of a motion judge's decision is not a de novo determination and is entitled to deference. The moving party has failed to identify any error of law or misapprehension of the evidence in the motion judge's analysis and essentially asks us to substitute our balancing of the relevant factors for that undertaken by the motion judge. That is not our role, and we see no basis to intervene. The motion is dismissed, with costs to the responding party in the amount of \$1,500. "Gary Trotter J.A." "P.J. Monahan J.A." "J. Dawe J.A."

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