

COURT OF APPEAL FOR ONTARIO

CITATION: Farid v. Brunt, 2025 ONCA 617

DATE: 20250910

DOCKET: M56011 (COA-25-CV-0531)

Thorburn, Copeland and Gomery JJ.A.

BETWEEN

Muhammad Farid and Naseem Farid

Plaintiffs (Appellants/Moving Parties)

and

Gerald Byron Brunt also known as Gerald B. Brunt

Defendant (Respondent/Responding Party)

Muhammad Farid and Naseem Farid, acting in person

Robert Macdonald and Alexander Evangelista, for the respondent

Heard: September 5, 2025

REASONS FOR DECISION

[1] The appellants bring this motion seeking directions on whether this court has jurisdiction to hear this appeal. The respondent contends that the appeal should be heard by the Divisional Court, and that this appeal should therefore be quashed.

[2] The trial judge dismissed the appellants' solicitor's negligence action. The trial judge assessed the damages to which the appellants would have been entitled, had their claim been upheld. She would have awarded them \$1,400, as opposed to the amount of approximately \$4.8 million they claimed.

[3] Pursuant to s. 19(1.2)(d) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, the Divisional Court has jurisdiction to hear the appeal because it concerns an order that dismissed a claim for an amount more than \$50,000, in respect of which the trial judge indicated, in her reasons, that if the claim had been allowed, the amount awarded would have been not more than \$50,000: *Sandu v. Fairmont Hotels Inc.*, 2015 ONCA 611, at para. 4; *Saleh v. Nebel*, 2016 ONCA 948, at paras. 4-5. The trial judge was not required to include her damages assessment in her order for s. 19(1.2)(d) to apply.

[4] The appellants argue that, if we find that this court does not have jurisdiction over this appeal, this court should constitute itself as a panel of the Divisional Court to hear it because the appeal raises novel and important issues, and proceeding directly before this court would reduce expenses and time.

[5] We do not agree. As noted in *Tomec v. Economical Mutual Insurance Company*, 2019 ONCA 839, 148 O.R. (3d) 433, at para. 14, leave to appeal refused, [2020] S.C.C.A. No. 7, this court rarely constitutes itself as a panel of the Divisional Court. There must be compelling reasons to do so. No such reasons

exist here. The respondent does not consent to this relief. Neither the court nor the parties have invested significant time or resources to the appeal, which has not yet been perfected.

[6] We appreciate that the appellants consider that this appeal raises important legal issues affecting a significant number of Canadians. But that does not justify bypassing the statutory jurisdiction that the Ontario legislature has given to the Divisional Court. Doing so would deprive this court of the judgment that the Divisional Court would provide, should the matter be appealed further: *Tomec*, at para. 16.

[7] The appeal is quashed, with costs of \$2,500 to the respondent. It is unnecessary to order a transfer of the appeal to the Divisional Court, as the appellants have already filed a notice of appeal to that court.

Thaburn J.A.

George J.A.

as 2009 J.A.