

CITATION; Canada One Family Network v Cach Platform Inc., 2024 ONSC 6495
COURT FILE NO.: 651/24
DATE: 20241121

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Canada One Family Network and Zhu, Appellants
-and-
Cach Platform Inc., Respondent

BEFORE: FL Myers J

COUNSEL: *Yan Liu*, counsel for the Appellant
James Chow, counsel, for the Respondent

HEARD: November 21, 2024

ENDORSEMENT

- [1] The Respondent submits that the order under appeal (granting partial summary judgment to terminate the parties' lease, ordering payment of arrears of rent, and declaring ownership of a bank account) is an interlocutory order so that leave to appeal is required. Counsel agrees that the issue can be dealt with efficiently at a case conference.
- [2] The Respondent will deliver no more than five pages of submissions on the issue of whether the order under appeal is interlocutory or final for appeal purposes by November 29, 2024. The Appellants may deliver no more than five pages of submissions in response by December 6, 2024.
- [3] **I will hear the parties at a case conference on December 13, 2024 at 10:00 a.m. by Zoom.**
- [4] Counsel are requested to send a copy of the material on which they rely to my Judicial Assistant at therese.navrotski@ontario.ca.
- [5] The Respondent landlord evicted the tenant and took possession of the premises in mid-September shortly after the order of Hood J. was released. The Appellants propose to bring a motion to stay the order. It is not clear to me that there is anything left to stay. In any event, in this court, rather than consigning the parties to months of costs on stay motions, the

court prefers to expedite the appeal where doing so can protect the *status quo*. As the tenant is already out of possession, Ms. Liu agrees that an expedited appeal will suffice.

- [6] The Appellants will therefore perfect the appeal by December 27, 2024. The Respondent will deliver its responding materials by January 31, 2025.
- [7] **The appeal will be argued for no more than two hours on an expedited basis. The Registrar is requested to schedule the appeal as early in February as possible.**
- [8] The Appellants raise issues about chattels left on the premises and the possibility that she will seek a Certificate of Pending Litigation against the Respondent's land. Issues concerning the execution of the judge's order and ongoing steps in the remaining litigation are to be taken before the Superior Court. Steps to deal with chattels or a CPL are not part of the appeal in this court.
- [9] I raised with the parties my own concern that an appeal of an order for partial summary judgment terminating a lease that had more than two years left to run and declaring ownership of a bank account may be within the jurisdiction of the Court of Appeal although the judge only ordered payment of about \$20,000 in arrears up to the date of eviction. I leave it to the parties to consider whether that is an issue for them to raise with the panel that hears the appeal. But they are on notice that they may find that the panel is interested in the issue in any event.

FL Myers J

Date: November 21, 2024