COURT OF APPEAL FOR ONTARIO

CITATION: 124020 Ontario Limited v. Hike Metal Products Limited, 2026 ONCA 772
DATE: 20261030
DOCKET: COA-25-CV-0328

2026 ONCA 772 (CanLII)

Lauwers, Rahman and Brownstone JJ.A.

BETWEEN

124020 Ontario Limited

Plaintiff (Appellant)

and

Hike Metal Products Limited and Peninsula Equity Partners-Canada Holdings LLC

Defendants (Respondents)

Michael Watson, for the appellant

Peter W. Kryworuk and Debbie Boswell, for the respondents

Heard and rendered orally: October 29, 2026

On appeal from the order of Justice Helen A. Rady of the Superior Court of Justice, dated February 21, 2025.

REASONS FOR DECISION

[1] On the issue of whether there was an agreement between the lawyers to settle, we accept the motion judge's conclusion that there was such an agreement. The email exchange between counsel was not equivocal.

[2] On the issue of the terms of the settlement, we accept the motion judge's conclusion that the motion for summary judgment should be adjourned only to be returned if Hike Metal Products Limited were to be unable to purchase the property at the price set by arbitration.

[3] The motion judge properly instructed herself on the discretionary elements of the decision to enforce a settlement at para. 31 of her endorsement. She said at para. 38: "[t]he settlement was partially performed by the parties and there is no evidence that its enforcement is contrary to the interests of justice." We agree.

[4] The appeal is dismissed. Costs payable by the appellant to the respondents set at $25,000 all-inclusive, as agreed.

"P. Lauwers J.A."
"M. Rahman J.A."
"L. Brownstone J.A."

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