

CITATION: Abrams v. Abrams, 2009 ONCA 522

DATE: 20090625

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COURT OF APPEAL FOR ONTARIO

Sharpe, LaForme and Watt JJ.A.

BETWEEN

Stephen Abrams

Applicant (Appellant)

and

Ida Abrams, Judith Abrams, Philip Abrams
and The Public Guardian and Trustee

Respondents (Respondents in appeal)

M. Teitel, for the appellant

David Lobl, for the respondent Philip Abrams

Heard: June 25, 2009

On appeal from the Order of Justice G.R. Strathy of the Superior Court of Justice dated December 19, 2008.

APPEAL BOOK ENDORSEMENT

[1] The respondent does not oppose the addition of the words “the contents of” to paragraph 1(e) of the amended order giving directions.

[2] We are not persuaded that any further change is required to paragraph 1(e). We take the phrase “knowledge and approved” to be a term of art to describe the legal capacity to execute a valid power of attorney. Paragraph 1(e) simply identifies the issue to be tried. The parties are at liberty to make submissions at trial as to the appropriate legal test and paragraph 1(e) does not preclude any argument as to the nature of that test.

[3] In the result, subject to the addition of the words “the contents of”, the appeal is dismissed.

[4] No order as to costs.