

# COURT OF APPEAL FOR ONTARIO

CITATION: Menghesha v. Gebremariam, 2026 ONCA 364

DATE: 20260521

DOCKET: M56779 (COA-26-CV-0227)

Copeland, Monahan and Gomery JJ.A.

In the Estate of Nabute Ghebrehiwet, Deceased

BETWEEN

Letekidan Menghesha, by her Litigation Guardian  
Almaz Gebremariam

Applicant (Appellant/Responding Party)

and

Hanna Gebremariam

Respondent (Respondent/Moving Party)

Gib van Ert, K.C. and Dahlia Shuhaibar, for the respondent/moving party

Doreen Lok Yin So and Valeri Akujobi, for the appellant/responding party

Head and rendered orally: May 20, 2026

## REASONS FOR DECISION

[1] The motion to quash is granted. The order is interlocutory. The order decides the legal interpretation of s. 21.1 of the *Succession Law Reform Act*, R.S.O. 1990, c. S.26. It does not decide the real matter in dispute between the parties, in particular, whether the electronic document should be validated under s. 21.1,

whether the document was sent by the deceased, and whether the deceased had testamentary capacity.

[2] We decline to reconstitute ourselves as the Divisional Court to consider the application for leave to appeal.

[3] As agreed by the parties, there is no order as to costs.

“J. Copeland J.A.”  
“P.J. Monahan J.A.”  
“S. Gomery J.A.”