

COURT OF APPEAL FOR ONTARIO

CITATION: Luoy v. Canadian Imperial Bank of Commerce, 2025 ONCA 695

DATE: 20251010

DOCKET: COA-25-CV-0041

Hourigan, Sossin and Pomerance JJ.A.

BETWEEN

Tot Michael Luoy

Plaintiff (Appellant)

and

Canadian Imperial Bank of Commerce and CIBC Securities Inc.

Defendants (Respondents)

Tot Michael Luoy, acting in person

Elisha C. Jamieson-Davies and Kelly Brennan, for the respondents

Heard: October 9, 2025

On appeal from the order of Justice Ira G. Parghi of the Superior Court of Justice, dated December 30, 2024.

REASONS FOR DECISION

[1] The respondents, Canadian Imperial Bank of Commerce (“CIBC”) and CIBC Securities Inc. (“CIBC Securities”) moved under r. 21.01(1)(b) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 to strike portions of the appellant’s Fresh as

Amended Statement of Claim – involving allegations of defamation, libel, and negligence – for failure to disclose a reasonable cause of action.

[2] The appellant is employed by CIBC as a Senior Financial Advisor. The appellant began the claim following CIBC’s investigation into a complaint by one of the appellant’s clients. As part of that investigation, CIBC reported the client complaint to the regulator, the Enforcement Department of the New Self-Regulatory Organization of Canada (the “New SRO”).

[3] The appellant pleaded that various documents contained defamatory statements. These documents are: (1) a March 31, 2023 letter from the New SRO to CIBC Securities advising that it was commencing an investigation; (2) a Member Events Tracking System (“METS”) report that CIBC Securities sent to the New SRO as part of the investigation; and (3) a Microsoft Teams chat between the appellant and a CIBC employee.

[4] The motion judge held that neither the letter from the New SRO nor the METS report contained the alleged defamatory statements. Further, even if the letter from the New SRO did contain defamatory statements, these were not published by the respondents. The Microsoft Teams chat could not be considered a publication within the meaning of the elements of defamation. Accordingly, the motion judge struck out various pleadings relating to defamation and libel.

[5] The motion judge struck paragraph 60 of the pleadings as “scandalous, frivolous or vexatious”. She did not grant leave to amend the pleadings because additional facts could not make the defamation claim tenable. The motion judge declined to award costs to either party.

[6] The appellant submits that the motion judge erred in relying on an improper version of the METS report and not requiring proof that it was authentic. We disagree. The appellant’s submission regarding the authenticity of the METS report is entirely speculative. As a document incorporated by reference into the statement of claim, the motion judge was entitled to reference the document.

[7] We see no error in the motion judge’s analysis of the documents alleged to contain defamatory statements. Accordingly, the appeal is dismissed. The appellant shall pay costs of the appeal to the respondents in the all-inclusive sum of \$5,000.

“C.W. Hourigan J.A.”  
“L. Sossin J.A.”  
“R. Pomerance J.A.”