

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

BETWEEN:

MARSHALLZEHR GROUP INC.

Applicant

- and -

FERNWOOD DEVELOPMENTS (ONTARIO) CORPORATION

Respondent

APPLICATION UNDER SECTION 243(1) of the *BANKRUPTCY AND INSOLVENCY ACT*,  
R.S.C. 1985, C. B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE  
ACT*, R.S.O. 1990 C.C43, AS AMENDED

**BOOK OF AUTHORITIES OF  
SIMCOE STANDARD CONDOMINIUM CORPORATION NO. 420**

November 20, 2020

**HODISLAW**  
62 Camelot Square  
Barrie, ON L4M 0C2

**Sonja Hodis**  
Tel: (705) 737-4403/Fax: (705) 300-2599  
Email: sonja@hodislaw.com

**and her agents**  
**Laishley Reed LLP**  
3 Church Street, Suite 505  
Toronto, ON M5E 1M2

**Chris Reed** LS#: 28619A  
Email: creed@laishleyreed.com  
Tel: 416.981.9337/Fax: 416.981.0060

**Lawyers for Simcoe Standard Condominium  
Corporation No. 420**

## TABLE OF CONTENTS

1. **Black's Law Dictionary**

**Chantry** /chæntri/. A church or chapel endowed with lands for the maintenance of priests to say Mass daily for the souls of the donors.

**Chapel.** A place of worship; a lesser or inferior church, sometimes a part of or subordinate to another church.

*Chapel of ease.* In English ecclesiastical law, a chapel built in aid of original church for parishioners who had fixed their residence at some distance.

*Private chapels.* Chapels owned by private persons, and used by themselves and their families.

*Proprietary chapels.* In English law, those belonging to private persons who have purchased or erected them with a view to profit or otherwise.

*Public chapels.* In English law, chapels founded later than the church for parishioners who fixed their residence at a distance; and chapels so circumstanced were described as "chapels of ease."

**Chapelry** /chæp(ə)lri/. The precinct and limits of a chapel. The same thing to a chapel as a parish is to a church.

**Chapitre** /chæp(ə)tər/. In English law, a summary of matters to be inquired of or presented before justices in eyre, justices of assise, or of the peace, in their sessions. Also articles delivered by the justice in his charge to the inquest.

**Chaplain.** A clergyman officially attached to a unit of the armed services, or to some public institution, for the purpose of performing religious services.

**Chapman.** An itinerant vendor of small wares. A trader who trades from place to place.

**Chapter.** In England, a body of dignitaries called canons attached to a cathedral church and presided over by a dean. This body constitutes the council of the bishop in both spiritual and temporal affairs. Also, a local branch of a society or fraternity.

**Character.** The aggregate of the moral qualities which belong to and distinguish an individual person; the general result of the one's distinguishing attributes. That moral predisposition or habit, or aggregate of ethical qualities, which is believed to attach to a person, on the strength of the common opinion and report concerning him. A person's fixed disposition or tendency, as evidenced to others by his habits of life, through the manifestation of which his general reputation for the possession of a character, good or otherwise, is obtained. The estimate attached to an individual or thing in the community. The opinion generally entertained of a person derived from the common report of the people who are acquainted with him. Although "character" and "reputation" are often used synonymously, the terms are distinguishable. "Character" is what a man is, and "reputation" is what he is supposed to be in what people say he is. "Character" depends on attributes possessed, and "reputation" on attributes which others believe one to possess. The former signifies reality and the latter merely what is accepted to be reality at present. See **Bad character**; **Good character**; **Representation**.

Class or division to which claim belongs.

**Character and habit.** The moral traits of a person gleaned from his habitual conduct. *People v. Coleman*, 19 Mich.App. 250, 172 N.W.2d 512.

**Character evidence.** Evidence of person's moral standing in community based on reputation.

Admissibility of character evidence in federal trials is governed by Fed.Evid. Rules 404 and 405, and with respect to witnesses by Rules 607-609.

**Characterization.** In conflicts, the classification, qualification, and interpretation of laws applicable to a case. *Restatement, Second, Conflicts*, § 7.

**Charge, v.** To impose a burden, duty, obligation, or lien; to create a claim against property; to assess; to demand; to accuse; to instruct a jury on matters of law. To impose a tax, duty, or trust. In commercial transactions, to bill or invoice; to purchase on credit. To indict or formerly accuse.

**Charge, n.** An incumbrance, lien, or claim; a burden or load; an obligation or duty; a liability; an accusation. A person or thing committed to the care of another. The price of, or rate for, something. See also **Charged**; **Charges**; **Floating charge**; **Rate**; **Surcharge**.

*Charge to jury.* The final address by judge to jury before verdict, in which he sums up the case, and instructs jury as to the rules of law which apply to its various issues, and which they must observe. The term also applies to the address of court to grand jury, in which the latter are instructed as to their duties. See also **Jury instructions**.

*General charge.* The charge or instruction of the court to the jury upon the case, as a whole, or upon its general features and characteristics.

*Special charge.* A charge or instruction given by the court to the jury, upon some particular point or question involved in the case, and usually in response to counsel's request for such instruction.

*Criminal law.* Accusation of a crime by a formal complaint, information or indictment.

*Public charge.* An indigent. A person whom it is necessary to support at public expense by reason of poverty alone or illness and poverty.

**Chargeable.** This word, in its ordinary acceptance, as applicable to the imposition of a duty or burden, signifies capable of being charged, subject to be charged, liable to be charged, or proper to be charged.

**Charge account.** System of purchasing goods and services on credit, under which customer agrees to settle or make payments on his balance within a specified time or periodically.

*Revolving charge account.* An arrangement between a seller and a buyer pursuant to which: (1) the seller may permit the buyer to purchase goods or services on credit either from the seller or pursuant to a seller credit card, (2) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (3) a credit service charge if made is not precomputed but is computed on the outstanding unpaid balances of the buyer's account from time to

**Lie in franchise.** Property is said to "lie in franchise" when it is of such a nature that the persons entitled thereto may seize it without the aid of a court; e.g., wrecks, waifs, estrays.

**Lie in grant.** Incorporeal hereditaments are said to "lie in grant;" that is, they pass by force of the grant (deed or charter) without livery.

**Lie in livery.** A common law term applied to corporeal hereditaments, freeholds, etc., signifying that they pass by livery, not by the mere force of the grant.

**Lie in wait.** See *Lying in wait*.

**Lien** /līy(ə)n/. A charge or security or encumbrance upon property. *Theatre Realty Co. v. Aronberg-Fried Co.*, C.C.A.Mo., 85 F.2d 383, 388; *Springer v. J. R. Clark Co.*, C.C.A.Minn., 138 F.2d 722, 726. A claim or charge on property for payment of some debt, obligation or duty. *Sullins v. Sullins*, 65 Wash.2d 283, 396 P.2d 886, 888. Qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or for performance of some act. Right or claim against some interest in property created by law as an incident of contract. Right to enforce charge upon property of another for payment or satisfaction of debt or claim. *Vaughan v. John Hancock Mut. Life Ins. Co.*, Tex.Civ.App., 61 S.W.2d 189, 190; *Day v. Ostergard*, 146 Pa.Super. 27, 21 A.2d 586, 588. Right to retain property for payment of debt or demand. *Samuels v. Public Nat. Bank & Trust Co. of New York*, 140 Misc. 744, 251 N.Y.S. 671, 674; *Bell v. Dennis*, 43 N.M. 350, 93 P.2d 1003, 1006; *Huie v. Soo Hoo*, 132 Cal.App. Supp. 787, 22 P.2d 808. Security for a debt, duty or other obligation, *Hurley v. Boston R. Holding Co.*, 315 Mass. 591, 54 N.E.2d 183, 193. Tie that binds property to a debt or claim for its satisfaction. *United States v. 1364.76875 Wine Gallons, More or Less, of Spirituous Liquors*, D.C.Mo., 60 F.Supp. 389, 392. Liens are "property rights". In re *Pennsylvania Central Brewing Co.*, C.C.A.Pa., 114 F.2d 1010, 1013. The word "lien" is a generic term and, standing alone, includes liens acquired by contract or by operation of law. *Egyptian Supply Co. v. Boyd*, C.C.A.Ky., 117 F.2d 608, 612.

A change against or interest in property to secure payment of a debt or performance of an obligation. *Bankruptcy Act*, § 101(28).

**Lien by operation of law.** Where the law itself, without the stipulation of the parties, raises a lien, as an implication or legal consequence from the relation of the parties or the circumstances of their dealings. Liens of this species may arise either under the rules of common law or of equity or under a statute. In the first case they are called "common-law liens;" in the second, "equitable liens;" in the third, "statutory liens."

**Roman or Civil law.** The peculiar securities which, in the common and maritime law and equity, are termed "liens," are embraced under the head of "mortgage and privilege."

See also *Architect's lien*; *Artisan's lien*; *Attorney's lien*; *Banker's lien*; *Charging Lien*; *Chattel lien*; *Common-law lien*; *Concurrent liens*; *Deferred lien*; *Equitable lien*; *Execution lien*; *Factor's lien*; *First lien*; *Floating lien*; *General lien*; *Inchoate lien*; *Invol-*

*untary lien*; *Judgment lien*; *Judicial lien*; *Laborers' lien*; *Maritime lien*; *Marshalling liens*; *Materialman's lien*; *Mechanic's lien*; *Municipal lien*; *Retaining lien*; *Second lien*; *Secret lien*; *Special lien*; *Statutory lien*; *Tax lien*; *Vendor's lien*.

**Lien account.** Such statement of claims as fairly appraises property owner and public of nature and amount of demand asserted as lien. *Hanenkamp v. Hagedorn*, Mo.App., 110 S.W.2d 826, 829.

**Lien creditor.** One whose debt or claim is secured by a lien on particular property, as distinguished from a "general" creditor, who has no such security. A creditor who has acquired a lien on the property involved, by attachment, levy or the like, and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition, or a receiver in equity from the time of appointment. U.C.C. § 9-301(3). See also *Creditor*.

**Lienee** /liynīy/. One whose property is subject to a lien.

**Lien of a covenant.** The commencement of a covenant stating the names of the covenantors and covenantees, and the character of the covenant, whether joint or several.

**Lien of factor at common law.** Lien not created through statutory enactment, but lien of ordinary factor as known to common law.

**Lienor** /līy(ə)nər/. The person having or owning a lien; one who has a right of lien upon property of another.

**Lien waiver.** A waiver of mechanic's lien rights, signed by subcontractors so that the owner or general contractor can receive a draw on a construction loan.

**Lie to.** To adjoin.

**Lieu conus** /l(y)ūw kōnyuw/. L. Fr. In old pleading, a known place; a place well known and generally taken notice of by those who dwell about it, as a castle, a manor, etc.

**Lieu lands.** A term used to indicate public lands within the indemnity limits granted in lieu of those lost within place limits. *Weyerhaeuser v. Hoyt*, 219 U.S. 380, 31 S.Ct. 300, 55 L.Ed. 258.

**Lieu tax.** A lieu tax means instead of or a substitute for, and it is not an additional tax. *Lebeck v. State*, 62 Ariz. 171, 156 P.2d 720, 721.

**Lieutenancy, commission of.** See *Commission of array*.

**Lieutenant** /l(y)uwténant/lefténant/. A deputy; substitute; an officer who supplies the place of another; one acting by vicarious authority. Etymologically, one who holds the post or office of another, in the place and stead of the latter.

The word is used in composition as part of the title of several civil and military officers, who are subordinate to others, and especially where the duties and powers of the higher officer may, in certain contingencies, devolve upon the lower; as lieutenant governor, lieutenant colonel, etc. See *infra*.

In the army, a lieutenant is a commissioned officer, ranking next below a captain. In the United States

MARSHALLZEHR GROUP INC.  
Applicant

and  
FERNWOOD DEVELOPMENTS  
(ONTARIO) CORPORATION  
Respondent

Court File No.: CV-20-635523-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE -  
COMMERCIAL LIST**

Proceeding commenced at Toronto

**BOOK OF AUTHORITIES OF SIMCOE  
STANDARD CONDOMINIUM CORPORATION  
NO. 420**

**HODISLAW**

62 Camelot Square  
Barrie, ON L4M 0C2

**Sonja Hodis**

Tel: (705) 737-4403/Fax: (705) 300-2599  
Email: sonja@hodislaw.com

**and her agents**

**Laisley Reed LLP**

3 Church Street, Suite 505  
Toronto, ON M5E 1M2

**Chris Reed LS#: 28619A**

Email: creed@laisleyreed.com

Tel: 416.981.9337/Fax: 416.981.0060

**Lawyers for Simcoe Standard Condominium  
Corporation No. 420**