



**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THE HONOURABLE *Mr.* ) THURSDAY, THE 30<sup>th</sup> DAY  
)  
JUSTICE *McEwen* ) OF APRIL, 2015

**IN THE MATTER OF THE *CONSTRUCTION LIEN ACT*,  
R.S.O. 1990, c. C.30, AS AMENDED**

**AND IN THE MATTER OF AN APPLICATION MADE BY 144 PARK LTD.  
FOR THE APPOINTMENT OF A TRUSTEE UNDER SECTION 68(1) OF THE  
*CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, AS AMENDED**

**ORDER**

**THIS MOTION** made by Collins Barrow Toronto Limited, in its capacity as Court-appointed trustee over the lands and premises known municipally as 142, 144 and 148 Park Street and 21 Allen Street West, Waterloo, Ontario and legally described on Schedule "A" attached hereto, pursuant to section 68(1) of the *Construction Lien Act*, R.S.O. 1990, c. C.30, as amended (the "**Trustee**"), was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the First Report of the Trustee dated April 17, 2015 (the "**First Report**") and the Appendices thereto, and the Supplement to the First Report of the Trustee dated April 29, 2015 (the "**Supplementary Report**"), and on hearing the submissions of counsel for the Trustee,

no one else appearing although duly served as appears from the affidavit of service of Sam Rappos sworn April 20, 2015 and the affidavit of service of Lynn Lee sworn April 29, 2015, filed,

**APPROVAL OF ACTIVITIES OF THE TRUSTEE**

1. **THIS COURT ORDERS** that the Supplementary Report, and the conduct and activities of the Trustee as set out in the Supplementary Report, be and are hereby approved.

**TERMINATION OR DISCLAIMER OF THE 1503 APS**

2. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated December 5, 2014, as amended (the “**1503 APS**”), between 144 Park Ltd. and Brody Wall System Ltd. referred to as the “1503 APS” in the First Report and attached thereto as Appendix “C”.

3. **THIS COURT ORDERS** that upon termination or disclaimer by the Trustee of the 1503 APS, the 1503 APS shall be of no force or effect.



ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

APR 3 2015  
MB

**SCHEDULE "A"**

PIN 22417-0135 (LT)  
LRO # 58

Property Description: Part of Lots 217, 218, 219 & 267 Plan 385, Being Part 1 on 58R-17836; Subject to an easement as in WR666363; City of Waterloo

PIN 22417-0134 (LT)  
LRO # 58

Property Description: Lots 2 & 3, Part of Lots 1, 4, 5, & 6 Plan 186, Being Part 2 on 58R-17836; Subject to an easement as in WR666363; City of Waterloo

IN THE MATTER OF THE CONSTRUCTION LIEN ACT, R.S.O. 1990, c. C.30, AS AMENDED  
AND IN THE MATTER OF AN APPLICATION MADE BY 144 PARK LTD. FOR THE APPOINTMENT OF A TRUSTEE  
UNDER SECTION 68(1) OF THE CONSTRUCTION LIEN ACT, R.S.O. 1990, c. C.30, AS AMENDED

Court File No. CV15-10843-00CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
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Proceedings commenced at Toronto

**ORDER**

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