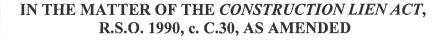
### ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

THE HONOURABLE MR.	)	FRIDAY, THE 16 <sup>th</sup> DAY
	)	
JUSTICE NEWBOULD	)	OF OCTOBER, 2015



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

(re Motion for Advice and Directions)

THIS MOTION made by Collins Barrow Toronto Limited, in its capacity as Courtappointed trustee over the lands and premises known municipally as 142, 144 and 148 Park Street and 21 Allen Street West, Waterloo, Ontario 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 Fourth Report of the Trustee dated September 25, 2015 and the Appendices thereto, and the Supplement to the Fourth Report of the Trustee dated October 13, 2015 and the Appendices thereto, and on hearing the submissions of counsel for the Trustee and other

counsel listed on the Counsel Slip, no one else from the service list appearing although duly served as appears from the affidavits of service of Lynn Lee sworn September 28, 2015 and October 14, 2015, filed,

- 1. **THIS COURT ORDERS** that the Trustee is hereby authorized to terminate or disclaim, if necessary, the agreements of purchase and sale entered into between 144 Park Ltd. and the following purchasers with respect to the listed units:
  - (a) Radulovic, unit 609
  - (b) Pollard, unit 802
  - (c) Lam and Chac, unit 1102
  - (d) Woodhouse, unit 1310
  - (e) Coghill, unit 1801
  - (f) McEachnie, unit 1803
  - (g) Martin-Guy, unit 1902
- 2. THIS COURT ORDERS that the authorization granted to the Trustee pursuant to paragraph 1 hereof is entirely without prejudice to any position that Oliver Romaniuk, Duncan, Linton and Lenczner Slaght may take in respect of the relief sought by the Trustee against them or their clients.

ON FROOD NOT LE FEMANS LE REMONTRE NO 2015

Giuseppe Dipietro Registrar

# UNDER SECTION 68(1) 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

Court File No. CV15-10843-00CL

# ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

Proceedings commenced at Toronto

### ORDER

(re Motion for Advice and Directions)

## CHAITONS LLP

5000 Yonge Street, 10<sup>th</sup> Floor Toronto, ON M2N 7E9

Harvey Chaiton (LSUC #21592F)

Tel: (416) 218-1129

Fax: (416) 218-1849

E-mail: harvey@chaitons.com

Sam Rappos (LSUC #51399S)

Tel: (416) 218-1137

Fax: (416) 218-1837

E-mail: samr@chaitons.com

Lawyers for the Trustee