

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

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

(re Motion for Advice and Directions)

**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 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.

ENTERED AT / ENREGISTRÉ À TORONTO  
ON / LE 13 OCT 2015  
LE / DANS LE REGISTRE NO. 1

OCT 13 2015

  
Giuseppe Di Pietro  
Registrar

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**

(re Motion for Advice and Directions)

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**Lawyers for the Trustee**