



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

THE HONOURABLE *Mr.*) MONDAY, THE 14th DAY
)
JUSTICE *Hainey*) OF NOVEMBER, 2016

**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 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 Fourteenth Report of the Trustee dated November 4, 2016 (the "**Fourteenth Report**") and the Appendices thereto, and on hearing the submissions of counsel for the Trustee, and such other counsel listed on the Counsel Slip, no one else from the service

list appearing although duly served as appears from the affidavit of service of Lynn Lee sworn November 7, 2016, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

DISTRIBUTION AND RESERVE

2. **THIS COURT ORDERS** that the Trustee is authorized to make a distribution in the amount of \$17,019.66 to Clonard Group Inc. on account of the entitlement of such construction lien claimant for the deficiency in the holdback required to be retained pursuant to the *Construction Lien Act* (Ontario).

3. **THIS COURT ORDERS** that the funds to be distributed by the Trustee pursuant to paragraph 2 hereof shall be withdrawn from the funds being held by the Trustee in an interest bearing account pursuant to paragraph 8 of the Order of Mr. Justice Newbould dated August 5, 2015, as amended by paragraphs 4 and 5 of the Order of Madam Justice Mesbur dated January 11, 2016 (the “Reserve”).

4. **THIS COURT ORDERS** that, following the completion of the distribution provided for in paragraph 2 hereof, the Trustee is authorized and directed to distribute any and all remaining funds in the Reserve to Laurentian Bank of Canada or its assignee and, following the making of such distribution, to take any and all steps to close the Reserve account.

APPROVAL OF REPORTS AND ACTIVITIES

5. **THIS COURT ORDERS** that the Third Report of the Trustee dated July 30, 2015, the Fourth Report of the Trustee dated September 25, 2015, the Supplement to the Fourth Report of the Trustee dated October 13, 2015, the Fifth Report of the Trustee dated October 13, 2015, the Sixth Report of the Trustee dated November 30, 2015, the Seventh Report of the Trustee dated January 13, 2016, the Eighth Report of the Trustee dated May 6, 2016, the Ninth Report of the Trustee dated May 20, 2016, the Tenth Report of the Trustee dated June 7, 2016, the Eleventh Report of the Trustee dated July 15, 2016, the Twelfth Report of the Trustee dated August 10, 2016, the Thirteenth Report of the Trustee dated September 23, 2016, the Fourteenth Report, and the conduct and activities of the Trustee as set out therein, be and are hereby approved.

APPROVAL OF FEES AND DISBURSEMENTS

6. **THIS COURT ORDERS** that the fees and disbursements of the Trustee for the period September 1, 2015 to September 30, 2016, as described in the Fourteenth Report and the Affidavit of Arif Dhanani sworn November 4, 2016, be and are hereby approved.

7. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Trustee, Chaitons LLP, for the period July 20, 2015 to July 31, 2016, as described in the Fourteenth Report and the Affidavit of Sam Rappos sworn November 2, 2016, be and are hereby approved.

8. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Trustee, Harris, Sheaffer LLP, for the period July 16, 2015 to September 30, 2016, as described in the Fourteenth Report and the Affidavit of Ari Katz sworn November 2, 2016, be and are hereby approved.

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MS

PER / PAR:



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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
(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER

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