



C O U N S E L S L I P / E N D O R S E M E N T

COURT FILE NO. CV-15-10843-CL

DATE: Tuesday, August 9, 2022

THE HONOURABLE: MR JUSTICE OSBORNE

No. ON LIST: 9:30am

COURTROOM: 4-2 @ 361 UA

TITLE OF PROCEEDING

144 PARK LTD

v

THE LIEN CLAIMANT WESTON FLOORING LIMITED et al

TRUSTEE COUNSEL: **Sam Rappos**

Email: samr@chaitons.com

APPLICANT COUNSEL:

Email:

RESPONDENT COUNSEL:

Email:

RESPONDENT COUNSEL:

Email:

OSBORNE, J.

1. RSM Canada Limited (“RSM”) in its capacity as court-appointed trustee, seeks an order to distribute all remaining funds to Marshallzehr Group, approving the 24th and final report of the Trustee dated July 29, 2022 and the activities of the Trustee described in that report, approving the Trustee statement of receipts and disbursements, authorizing the destruction of the books and records of 144 Park Ltd. in the possession and control of the Trustee, approving the fees and disbursements of the Trustee and upon the filing of a certificate, discharging the Trustee and releasing it in connection with its appointment and activities.
2. The relief sought today is unopposed. The motion materials of the Trustee, including but not limited to the 24th report of the Trustee, were served on the Service List.
3. No one other than counsel for the Trustee has appeared today, although served, and counsel for the Trustee confirms that no party has indicated any intention to oppose the relief sought. Indeed, the active part of this matter in the role of the trustee has long been concluded and the delay in seeking the discharge was due to the required cleanup of several ancillary matters.
4. In the circumstances, I am satisfied that the proposed relief is appropriate and should be granted.
5. With respect to the authorization for the Trustee to dispose of documents in its power, control in possession relating to 144 Park, is appropriate that any affected party have the opportunity to address that, notwithstanding that the relief was clearly sought in the Motion record served on all parties via the Service List. I have directed counsel for the Trustee that the draft order should be amended to provide that the authorization to destroy the documents is not effective until the order is final and not under appeal. Counsel for the Trustee is directed to forthwith serve on the Service List both this Endorsement and the Order.
6. Order to go in the form signed by me today which shall be effective without the necessity of issuing and entering.

Osborne, J.