

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

THE HONOURABLE *Madam*) WEDNESDAY, THE 19th DAY
)
)
JUSTICE *Conway*) OF JUNE, 2019



**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 RSM Canada 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 Twenty-Second Report of the Trustee dated May 31, 2019 (the "**Twenty-Second 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 Lynda Christodoulou sworn June 17, 2019, 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.

APPROVAL OF TWENTY-SECOND REPORT AND ACTIVITIES

2. **THIS COURT ORDERS** that the Twenty-Second Report, and the conduct and activities of the Trustee as set out therein, be and are hereby approved.

APPROVAL OF FEES AND DISBURSEMENTS

3. **THIS COURT ORDERS** that the fees and disbursements of the Trustee for the period January 1, 2018 to March 31, 2019, as described in the Twenty-Second Report and the Affidavit of Arif Dhanani sworn April 29, 2019, be and are hereby approved.

4. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Trustee, Chaitons LLP, for the period February 1, 2018 to March 31, 2019, as described in the Twenty-Second Report and the Affidavit of Sam Rappos sworn May 2, 2019, be and are hereby approved.

5. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Trustee, Harris Sheaffer LLP, for the period September 29, 2016 to December 7, 2017, as described in the Twenty-Second Report and the Affidavit of Ari Katz sworn May 1, 2019, be and are hereby approved.

APPROVAL OF INTERIM R&D STATEMENT

6. **THIS COURT ORDERS** that the Trustee's interim statement of receipts and disbursements for the period January 22, 2016 to March 31, 2019, attached as Appendix "T" to the Twenty-Second Report, be and is hereby approved.

SETTLEMENT AND SEALING

7. **THIS COURT ORDERS** that the settlement contemplated by the settlement and release agreement attached as Appendix "P" to the Twenty-Second Report (the "**Settlement and Release Agreement**") be and is hereby approved, and the execution of the Settlement and Release agreement by the Trustee is hereby authorized and approved.

8. **THIS COURT ORDERS** that the Confidential Appendix to the Twenty-Second Report shall be sealed and shall not form part of the public record pending further Order of the Court.



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LE / DANS LE REGISTRE NO:

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PER / PAR: 

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
(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER

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