



Court File No. CV15-10882-00CL

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

THE HONOURABLE) FRIDAY, THE 1ST DAY
)
JUSTICE *Pattillo*) OF MAY, 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
JADE-KENNEDY DEVELOPMENT CORPORATION
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 owned by Jade-Kennedy Development Corporation, appointed 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 First Report of the Trustee dated April 23, 2015 and the Appendices thereto (the "**First Report**"), and on hearing the submissions of counsel for the Trustee and counsel for those other parties listed on the Counsel Slip, no one else appearing although duly served as appears from the affidavit of service of Lynn Lee sworn April 27, 2015, 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 ACTIVITIES OF THE TRUSTEE

2. **THIS COURT ORDERS** that the First Report, and the conduct and activities of the Trustee as set out in the First Report, be and are hereby approved.

JKRC

3. **THIS COURT ORDERS** that the Trustee is hereby empowered and authorized to execute, issue and endorse documents of whatever nature in respect of the Property in the name and on behalf of Jade-Kennedy Residential Corporation (“JKRC”), and take all necessary steps in the name and on behalf of JKRC in respect of the Property, for any purpose pursuant to the Order (appointing trustee) of the Honourable Mr. Justice Pattillo dated February 11, 2015 granted in this proceeding.

TERMINATION OR DISCLAIMER OF LIEN CLAIMANTS SALE AGREEMENTS

4. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated December 9, 2014, as amended, between JKRC and Brody Wall System Ltd. referred to as the “827 APS” in the First Report and attached thereto as Appendix “E”.

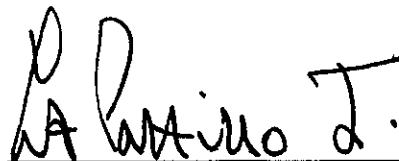
5. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated October 3, 2014, as amended, between JKRC

and Diri-Kipli Corp. referred to as the "1216 APS" in the First Report and attached thereto as Appendix "G".

6. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated April 29, 2014, as amended, between JKRC and Dircam Properties Limited referred to as the "1521 APS" in the First Report and attached thereto as Appendix "F".

7. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated October 3, 2014, as amended, between JKRC and Diri-Kipli Corp. referred to as the "1527 APS" in the First Report and attached thereto as Appendix "H".

8. **THIS COURT ORDERS** that upon termination or disclaimer by the Trustee of the agreements of purchase and sale referred to in paragraphs 4, 5, 6 and 7 of this Order (collectively, the "Lien Claimants Sale Agreements"), the Lien Claimants Sale Agreements shall be of no force or effect.


A. P. P. J.

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAY - 1 2015



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AND IN THE MATTER OF AN APPLICATION MADE BY JADE-KENNEDY DEVELOPMENT CORPORATION
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Proceedings commenced at Toronto

ORDER

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