

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

THE HONOURABLE MR.) THURSDAY, THE 4th DAY
)
JUSTICE PATTILLO) OF JUNE, 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 Third Report of the Trustee dated June 1, 2015 (the "**Third Report**") and the Appendices thereto, the Confidential Supplement to the Third Report of the Trustee dated June 3, 2015 (the "**Confidential Supplement**"), and the Affidavit of Christopher Kit Andrew sworn May 19, 2015, and on hearing the submissions of counsel for the Trustee, counsel

for Roger James Dol and Anna Gayle Andrew, and counsel for those other parties listed on the Counsel Slip, no one else appearing for any other person on the service list, although properly served as appears from the affidavits of service of Lynn Lee sworn June 2, 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.

TERMINATION OR DISCLAIMER OF SALE AGREEMENTS

2. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated February 9, 2015, between Jade-Kennedy Residential Corporation and Anna Gayle Andrew, a copy of which is attached as Appendix "F" to the Third Report.

3. **THIS COURT ORDERS** that the Trustee is authorized and empowered to terminate or disclaim the agreement of purchase and sale dated February 9, 2015, between Jade-Kennedy Residential Corporation and Roger James Dol, a copy of which is attached as Appendix "G" to the Third Report.

4. **THIS COURT ORDERS** that upon termination or disclaimer by the Trustee of the agreements of purchase and sale referred to in paragraphs 2 and 3 of this Order (collectively, the "Sale Agreements"), the Sale Agreements shall be of no force or effect.

SEALING

" to the Trustee's Final Report " *AD.*

5. **THIS COURT ORDERS** that Confidential Supplement is hereby sealed and shall not form part of the public record until further order of the Court.

COSTS

6. **THIS COURT** makes no order as to the costs of this motion.



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LE / DANS LE REGISTRE NO.:

 JUN 15 2015

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Court File No. CV15-10882-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER

CHAITONS LLP
5000 Yonge Street, 10th Floor
Toronto, ON M2N 7E9

Harvey Chaiton (LSUC #21592F)
Tel: (416) 218-1129
Fax: (416) 218-1849
E-mail: harvey@chaitons.com

Sam Rappos (LSUC #51399S)
Tel: (416) 218-1137
Fax: (416) 218-1837
E-mail: samr@chaitons.com

Lawyers for the Trustee