

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

**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.30, AS AMENDED**

**RESPONDING MOTION RECORD OF ROGER JAMES DOL  
AND ANNA GAYLE ANDREW**

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**ONTARIO  
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**IN THE MATTER OF THE CONSTRUCTION LIEN ACT,  
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**AFFIDAVIT OF CHRISTOPHER KIT ANDREW**

I, Christopher Kit Andrew, of the Town of Schomberg, in the Province of Ontario **MAKE  
OATH AND SAY:**

1. I make this affidavit in response to the April 23, 2015 First Report of the Trustee (the "Report") and in particular paragraphs 61 to 68 thereof.

2. I negotiated the agreements of purchase and sale between Jade-Kennedy Residential Corporation ("JKRC") and each of Roger James Dol and my wife Anna Gayle Andrew. Charles Mady was the JKRC representative with whom I dealt.

3. I was unaware of JKRC's financial situation until I was advised of this proceeding by a representative of Collins Barrow in early March, 2015.

4. Contrary to paragraph 64 (a) of the Report, I am not a former employee of JKRC. I know Charles Mady. We have had business dealings together over the past few years.

5. My discussions with Mr. Mady about purchasing a condominium unit from JKRC commenced in the fall of 2014. At the time, Mr. Mady advise me that there were only two units left for sale in the development. He advised me that I could purchase a unit for \$225,000. He said the remaining units had been listed for sale for around \$270,000, had been on the market since the sales centre opened a number of years ago, and were not selling. He said he could sell a unit to me for \$225,000 because there would be no real estate agent commission.

6. Because I was focused on other matters, it was not until early January, 2015 that Mr. Mady and I revisited the issue. I had discussed the matter with my business partner, Roger Dol, and I told Mr. Mady that Mr. Dol was also interested in buying a unit and that we would each buy one if he reduced the price to \$200,000 per unit. Mr. Mady agreed.

7. It took a few weeks for the paperwork to be prepared. I told Mr. Mady that my wife Anna would be the purchaser of one of the units and Mr. Dol would be the purchaser of the other. I picked up the draft agreements from Mr. Mady's office on February 3, 2015 and took them to Mr. Dol and Anna to be signed. They signed them on February 4, 2015. Once everything was signed up, I returned the documents to Mr. Mady's office on February 5, 2015 together with the deposit cheques. Shortly after, I received a call from someone at Mr. Mady's office advising that signatures were missing on the documents. I picked up the documents from Mady's office on February 6 or 7, had Mr. Dol and Anna sign where the signature had been missing, and returned them to Mady's office on February 9, 2015.

8. The agreement of purchase and sale appended to the Report as Exhibit "K" is the one related to the sale of the unit to Mr. Dol (the "Dol Unit"). The agreement of purchase and sale appended to the Report as Exhibit "L" is the one related to the sale of the unit to my wife, Anna (the "Andrew Unit").

9. The Dol Unit and the Andrew Unit are each 598 square feet.

SWORN BEFORE ME at the )  
City of Toronto, in the )  
Province of Ontario )  
This 19<sup>th</sup> day of May, 2015 )  
)

  
A Commissioner for Taking Affidavits

  
Christopher Kit Andrew

Elizabeth Ann Clifford, a Commissioner, etc.,  
Province of Ontario, for Arnold, Foster, LLP,  
Barristers and Solicitors.  
Expires December 6, 2017.

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Court File No. CV15-10882-00CL

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