

CITATION: The Polish Alliance of Canada v. Polish Association of Toronto Limited, 2014
ONSC
COURT FILE NO.: CV-08-361644
DATE: 20140917

SUPERIOR COURT OF JUSTICE - ONTARIO

BETWEEN:

THE POLISH ALLIANCE OF CANADA

Plaintiff

AND:

POLISH ASSOCIATION OF TORONTO LIMITED, MAREK MIASIK aka MAREK ADAM MIASIK, MARIA MIASIK, JAN ARGYRIS aka LOUIS JOHN ELIE ARGYRIS aka LOUIS aka JOHN ARGYRIS, WLADYSLAW JASLAN aka WLADYSLAW JULIAN JASLAN, HELENA JASLAN, EUGENIUSZ SKIBICKI, CZESLAWA ERICKSEN, STANISLAW ROGOZ aka STAN ROGOZ, ALBERT JOSEPH FLIS and RICHARD RUSEK

Defendants

AND:

POLISH ASSOCIATION OF TORONTO LIMITED, MAREK MIASIK aka MAREK ADAM MIASIK, MARIA MIASIK, JAN ARGYRIS aka LOUIS JOHN ELIE ARGYRIS aka LOUIS JOHN ARGYRIS aka JOHN ARGYRIS, WLADYSLAW JASLAN aka WLADYSLAW JULIAN JASLAN, HELENA JASLAN, EUGENIUSZ SKIBICKI, CZESLAWA ERICKSEN, STANISLAW ROGOZ aka STAN ROGOZ, and ALBERT JOSEPH FLIS

Plaintiffs by Counterclaim

AND:

THE POLISH ALLIANCE OF CANADA, ROBERT ZAWIERUCHA, TADEUSZ MAZIARZ, ELIZABETH BETOWSKI, DANUTA ZAWIERUCHA, TERESA SZRAMEK, ANDRZEJ SZUBA, ADAM SIKORA, ELZBIETA GAZDA, STANISLAW GIDZINSKI, STANISLAW IWANICKI and TADEUSZ SMIETANA

Defendants by Counterclaim

BEFORE: F.L. Myers J.

COUNSEL: E. Patrick Shea, for Collins Barrow Toronto Limited, Receiver and Manager
B.A. Kaminski, for the Plaintiff
Bernie Romano, for the Defendants/Respondents, except for Richard Rusek

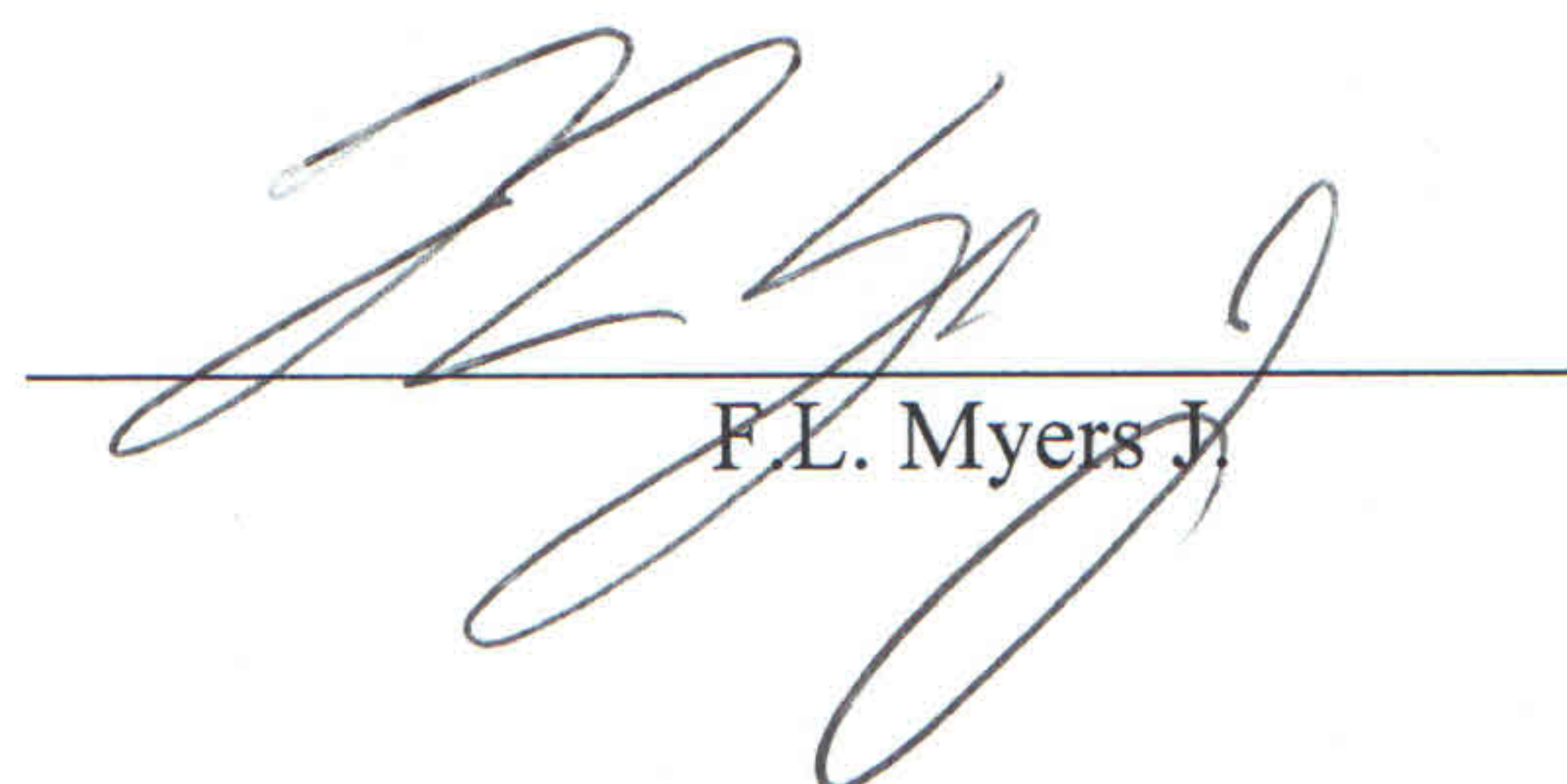
HEARD: September 17, 2014

F.L. Myers J.

ENDORSEMENT

[1] Last week, the Senior Regional Judge's Designate appointed me as Case Management Judge in this matter to replace Mr. Justice C. Campbell who has retired. During a Case Conference held to discuss the status of the action, counsel advised me of an inconsistency in my Endorsement dated September 3, 2014. In paragraph 24, I excluded from voting (in the upcoming election to reconstitute the executive of Branch 1-7) 19 people who had let their dues lapse since August 26, 2006. In paragraph 26, I wrote that I accepted the Receiver's recommendation that the 19 members be allowed to vote. This was a typo. I intended to say that of the 39 possible voters, excluding the 19 who had let their dues lapse, I agreed with the Receiver that the remaining 20 should be recognized as the members eligible to vote. Mr. Romano suggested that all 39 should vote because the PAC agreed and I ordered in para. 1 of the May 27, 2014 order that members be recognized without a requirement to pay arrears. However that was a reference to arrears that pre-dated August 26, 2006. I never expected people who have not kept their memberships current with the defendants to be able to claim that they remain members of Branch 1-7 of the PAC.

[2] The vote should proceed so that a working executive can take formal possession of the property and re-start the work of carrying out the beneficent goals of the PAC. This should increase revenue and greatly decrease receivership costs going forward. I leave to a subsequent motion the issue of whether the Receiver should have a role after the election whether in overseeing the property, overseeing the reconstitution of the branch members by the new executive and the Head Executive Board of the PAC, or controlling conveyances, encumbrances etc. so as to protect the *status quo* pending appeal or otherwise.


F.L. Myers J.

Date: September 17, 2014