

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

THE HONOURABLE Mr. )  
)  
JUSTICE W. Hon. - Siegel )

THURSDAY, THE 30<sup>th</sup> DAY  
*Attw*  
OF JUNE, 2016



**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 (the "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, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Trustee's Amended Notice of Motion, the Sixth Report of the Trustee dated March 15, 2016 (the "**Sixth Report**"), the Supplement to the Sixth Report of the Trustee dated March 31, 2016 (the "**Supplementary Report**"), and the Second Supplement to the Sixth Report of the Trustee dated June 28, 2016, and on hearing the submissions of counsel to the Trustee and 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 affidavit of service of Mariela Libedinsky sworn April 7, 2016, and the affidavits of service of Lynn Lee sworn March 16 and June 29, 2016, filed,

#### **DISTRIBUTION TO CONSTRUCTION LIEN CLAIMANTS**

1. **THIS COURT ORDERS** that the Trustee is authorized to make distributions in the aggregate sum of \$1,302,099.13 to those construction lien claimants, and in the amounts referenced, listed in **Schedule "A"** hereto, on account of the entitlements of such construction lien claimants for the deficiency in the holdbacks required to be retained pursuant to the *Construction Lien Act* (Ontario).

2. **THIS COURT ORDERS** that the Trustee shall hold the following amounts in reserve from the net sale proceeds currently being held by the Trustee with respect to the holdback claims of the following construction lien claimants, pending further Order of the Court:

- (a) CRS Contractors Rental Supply General Partner Inc. - \$12,774.42;
- (b) Dircam Electric Limited - \$35,171.56;
- (c) Imperial Trim Supply Ltd. - \$17,444.11;
- (d) 2050491 Ontario Inc. o/a The Downsview Group - \$199,756.53;

- (e) Screen Painting Ltd. - \$200,000; and
- (f) Skyway Canada Limited - \$10,446.86.

3. **THIS COURT ORDERS** that the Trustee and the construction lien claimants listed in paragraph 2 shall attempt to consensually resolve the claimants' entitlement to such holdback amounts. The Trustee shall serve a report by no later than July 22, 2016 that, among other things, provides an update with respect to the resolution attempts and proposes a process to deal with any holdback claims that remain unresolved.

#### **APPROVAL OF REPORTS AND ACTIVITIES**

4. **THIS COURT ORDERS** that the Sixth Report, the Supplementary Report, the Third Report of the Trustee dated June 1, 2015, and the Fourth Report of Trustee dated October 8, 2015 (collectively, the "**Reports**"), and the actions, decisions, conduct and activities of the Trustee as described in the Reports, be and are hereby approved.

#### **APPROVAL OF FEES AND DISBURSEMENTS**

5. **THIS COURT ORDERS** that the fees and disbursements of the Trustee, as set out in the Sixth Report and the Affidavit of Bryan H. Tannenbaum sworn March 11, 2016, be and are hereby approved.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:  
JUL 04 2016



PER / PAR:



**SCHEDULE "A"**

<b>CONSTRUCTION LIEN CLAIMANT</b>	<b>HOLDBACK AMOUNT</b>
Aluminium Window Design Installations Inc.	\$184,338.59
Brody Wall System Ltd.	\$45,781.90
CRS Contractors Rental Supply General Partner Inc.	\$24,748.92
Dircam Electric Limited	\$349,539.13
Draglam Waste & Recycling Inc.	\$10,825.95
Frendel Kitchens Limited	\$48,292.92
Global Fire Protection Ltd.	\$14,464.88
Global Mechanical Ltd. – Phase I	\$87,661.90
Global Mechanical Ltd. – Phase II	\$87,802.18
Global Precast Inc.	\$83,874.96
Great Pyramid Aluminum Ltd.	\$11,795.85
Guest Tile Inc.	\$142,095.24
Imperial Trim Supply Ltd.	\$141,698.75
MJC Contracting 2014 Inc.	\$8,964.79
Procan Inc.	\$1,197.80
Triumph Roofing and Sheet Metal Inc.	\$59,015.37
<b>TOTAL</b>	<b>\$1,302,099.13</b>

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Court File No. CV15-10843-00CL

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

Proceedings commenced at Toronto

**ORDER**

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**Lawyers for the Trustee**