

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

THE HONOURABLE MR.) WEDNESDAY, THE 2nd DAY
)
JUSTICE CAVANAGH) OF DECEMBER, 2020

**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 RSM Canada Limited, in its capacity as the Court-appointed trustee over the lands and premises owned by Jade-Kennedy Development Corporation 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 virtually by Zoom videoconference due to the COVID-19 crisis.

ON READING the Twenty-Seventh Report of the Trustee dated November 24, 2020 (the "**Twenty-Seventh Report**") and the appendices thereto, and on hearing the submissions of counsel

for the Trustee, no one else appearing for any other person on the service list, although served as evidenced by the Affidavit of Lynda Christodoulou sworn November 24, 2020, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Trustee's notice of motion and motion record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF REPORTS AND ACTIVITIES

2. **THIS COURT ORDERS** that the Twenty-Seventh Report, the Eighteenth Report of the Trustee dated October 12, 2017, the Nineteenth Report of the Trustee dated October 27, 2017, the Twentieth Report of the Trustee dated December 20, 2017, the Supplement to the Twentieth Report dated January 5, 2018, the Twenty-First Report of the Trustee dated January 18, 2018, the Twenty-Second Report dated March 14, 2018, the Twenty-Third Report of the Trustee dated July 10, 2018, the Twenty-Fourth Report of the Trustee dated April 8, 2019, the Twenty-Fifth Report of the Trustee dated August 26, 2019, the Twenty-Sixth Report of the Trustee dated August 25, 2020, and the conduct and activities of the Trustee as set out therein, be and are hereby approved.

APPROVAL OF FEES AND DISBURSEMENTS

3. **THIS COURT ORDERS** that the fees and disbursements of the Trustee and its counsel, as set out in the Twenty-Seventh Report, the Affidavit of Bryan Tannenbaum sworn November 12, 2020, and the Affidavit of Maya Poliak sworn November 24, 2020, be and are hereby approved.

GENERAL

4. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this order is effective from the date it is made, and it is enforceable without any need for entry and filing. In accordance with

Rules 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original, signing, entry and filing, as the case may be, when the Court returns to regular operations.



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-KENNED 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**

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

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

**Lawyers for RSM Canada Limited
Court-appointed Trustee**