

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ROYAL BANK OF CANADA

Plaintiff

and

MARGARET LOIS MORRISON and JOHN ANTHONY MORRISON

Defendants

SUPPLEMENTARY AFFIDAVIT OF CAROL LIU

I, **CAROL LIU**, of the City of Toronto, in the Province of Ontario, MAKE
OATH AND SAY:

1. I am a lawyer with the law firm Fogler, Rubinoff LLP, lawyers for the Plaintiff, Royal Bank of Canada, and, as such, have knowledge of the following matters.
2. On the afternoon of January 9, 2024, I am advised by Rachel Moses of Fogler, Rubinoff LLP, and believe that Mr. Woody McKaig of Sullivan Mahoney LLP, counsel to The Corporation of Haldimand County (the "**County**"), notified her via email that the amount of tax arrears owing for the real property known municipally as 274 Army Camp Road, Hagersville, Ontario, PIN # 38244-0190 (the "**Real Property**") stated at paragraph 34 of the Affidavit of Yatri Vagadia is incorrect. The correct amount of tax arrears owing for the Real Property is \$971,616.12.

3. In his email to Ms. Moses, Mr. McKaig enclosed a Statement of Account issued by the County dated January 5, 2024, which shows the particulars of the total arrears calculation.

4. Copies of the email sent by Mr. McKaig to Ms. Moses at 1:22PM on January 9, 2024 and the Statement of Account enclosed therein are attached hereto as **Exhibit "A"**.

5. Later in the afternoon of January 9, 2024, I am further advised by Ms. Moses, and believe that she and Mr. McKaig spoke on the phone and via email to discuss the reason for the significant increase in the total amount of realty tax arrears. Attached as **Exhibit "B"** is the email from Mr. McKaig explaining the arrears, with the account summary and minutes of settlement signed by Ms. Morrison attached.

6. I am advised by Ms. Moses and believe that, upon her request, Mr. McKaig consented to the inclusion of both Exhibits "A" and "B" in the Supplementary Affidavit herein.

SWORN by Carol Liu before me at the City of Toronto, in the Province of Ontario, on January 9, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.




Commissioner for Taking Affidavits
(or as may be)



CAROL LIU

This is **Exhibit "A"** referred to
in the Affidavit of **7 Urc`@i Á**
sworn this **Á**@
day of January, 2024Á


.....
Commissioner for taking affidavits (or as may be)

Liu, Carol

From: Moses, Rachel
Sent: Tuesday, January 9, 2024 1:26 PM
To: Liu, Carol
Subject: Fwd: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants
Attachments: image001.png; White Oaks - Jan 5, 2024.pdf

Rachel Moses

Partner
Fogler, Rubinoff LLP
Lawyers
Direct: 416-864-7627

Begin forwarded message:

From: Woody McKaig <wbmckaig@sullivanmahoney.com>
Date: January 9, 2024 at 1:22:19 PM EST
To: "Moses, Rachel" <rmoses@foglers.com>
Cc: Peter Mahoney <pamahoney@sullivan-mahoney.com>
Subject: **FW: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants**

You don't often get email from wbmckaig@sullivanmahoney.com. [Learn why this is important](#)

Good afternoon Ms. Moses.
Please see the email below which was sent yesterday to the email address shown on the Motion Record. I also followed up with a call to your old number, again from the Motion Record.

Woody McKaig
Senior Partner

SULLIVAN MAHONEY LLP
40 Queen Street, P.O. Box 1360
St. Catharines, Ontario L2R 6Z2

Direct Dial: (905) 688-8470
Facsimile: (905) 688-5814

This communication is intended only for the named recipient(s) and is private, confidential and privileged. Any unauthorized use or disclosure of this communication is prohibited. If you receive this communication in error, please notify the sender immediately by return mail, by telephone at (905) 688-6655 or by contacting lawyers@sullivanmahoney.com and immediately delete this communication from any computer. Thank you

From: Woody McKaig
Sent: January 8, 2024 3:59 PM
To: 'rmoses@mindengross.com' <rmoses@mindengross.com>
Cc: Peter Mahoney <pamahoney@sullivan-mahoney.com>

Subject: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants

Good afternoon Ms. Moses,

We act for The Corporation of Haldimand County and have been sent the Motion Record respecting your request on behalf of your client, The Royal Bank of Canada.

In review of this matter with our client, it became apparent that the amount of tax arrears on the property as set out in your motion materials is incorrect. We enclose herewith a of Tax Arrears Statement as of January 5, 2024, which shows a total balance owing of \$971,616.12.

Please adjust your records accordingly.

Could you also please arrange to add my name to the eservice list and also provide me with an invite to Caselines for this matter.

At this point I do not intent to appear on the return of your motion but would like to review the material filed on the matter.

Thank you for your anticipated cooperation, and if you would like to discuss the matter, please feel free to contact me either by email, or at the phone number below.

Woody McKaig
Senior Partner

SULLIVAN MAHONEY LLP
40 Queen Street, P.O. Box 1360
St. Catharines, Ontario L2R 6Z2

Direct Dial: (905) 688-8470
Facsimile: (905) 688-5814

<image001.png>

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This is **Exhibit "B"** referred to
in the Affidavit of **7 Urc`@i Á**
sworn this **Á**@
day of January, 2024Á



.....
Commissioner for taking affidavits (or as may be)

Liu, Carol

From: Woody McKaig <wbmckaig@sullivanmahoney.com>
Sent: Tuesday, January 9, 2024 3:01 PM
To: Moses, Rachel
Cc: Peter Mahoney; Liu, Carol
Subject: RE: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants

You don't often get email from wbmckaig@sullivanmahoney.com. [Learn why this is important](#)

Yes.

Woody McKaig
Senior Partner

SULLIVAN MAHONEY LLP
40 Queen Street, P.O. Box 1360
St. Catharines, Ontario L2R 6Z2

Direct Dial: (905) 688-8470
Facsimile: (905) 688-5814

SULLIVAN | MAHONEY
LAWYERS

Client Committed. Community Minded.

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From: Moses, Rachel <rmoses@foglrs.com>
Sent: January 9, 2024 2:57 PM
To: Woody McKaig <wbmckaig@sullivanmahoney.com>
Cc: Peter Mahoney <pamahoney@sullivan-mahoney.com>; Liu, Carol <cliu@foglrs.com>
Subject: FW: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants

Hi Woody,

Can we attach the two documents to the supplementary affidavit to explain the amount owing is \$971,000+?

fogler
rubinoff

Rachel Moses
Partner
Fogler, Rubinoff LLP
Lawyers
77 King Street West
Suite 3000, P.O. Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
Direct: 416.864.7627
Main: 416.864.9700
Toll Free: 1.866.861.9700
Fax: 416.941.8852
Email: rmoses@foglrs.com
foglrs.com

From: Woody McKaig <wbmckaig@sullivanmahoney.com>

Sent: Tuesday, January 9, 2024 2:54 PM

To: Moses, Rachel <rmoses@foglars.com>

Cc: Peter Mahoney <pamahoney@sullivan-mahoney.com>

Subject: RE: Motion for an Order appointing a Receiver brought by Royal bank of Canada as Plaintiff naming Margaret Lois Morrison and John Anthony Morrison as defendants

You don't often get email from wbmckaig@sullivanmahoney.com. [Learn why this is important](#)

Rachel,

As per our conversation of earlier this afternoon, I am enclosing Interim Minutes of Settlement dated February, 2015 in the Superior Court matter between Margaret Morison as Plaintiff and Haldimand County and others as Defendant.

I also enclose a "White Oaks Summary" showing the tax and water arrears, cross referenced to the Minutes of Settlement.

I think the Minutes are self explanatory, but if you have questions, please call.

In hindsight, I probably should have sent the attached with my earlier email, but I wanted to get the total to you prior to tomorrow's date.

The action has not proceeded because of a number of prospective purchasers of the property, all of whom decided not to pursue the lands after doing their due diligence.

On the basket motion issue, I have called twice and got voice mail, with a full mail box.

I will try again shortly and get back to you.

Woody McKaig
Senior Partner

SULLIVAN MAHONEY LLP
40 Queen Street, P.O. Box 1360
St. Catharines, Ontario L2R 6Z2

Direct Dial: (905) 688-8470
Facsimile: (905) 688-5814

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White Oaks Summary

<u>Roll Number</u>	<u>Type/Nature of Item</u>	<u>Balance Owning</u>
332.007.11450.0000		

Summary of Amounts Outstanding at Time MOS Signed February 2015		
Property Tax Related	Paragraph 4 - penalties, interest and legal fees (2810.332.007.11450.0000)	<u>\$153,361.08</u>
Water Related	Paragraph 8 - water arrears	\$232,377.85
	Paragraph 8 - interest on water arrears	\$78,558.36
	Sub-total Related to Water	<u>\$310,936.21</u>
Total	Outstanding Amounts at time of MOS	<u>\$464,297.29</u>

Summary of Amounts Outstanding at December 15, 2023		
Property Tax Related	Paragraph 4 - penalties, interest and legal fees (2810.332.007.11450.0000)	\$153,361.08
	Statement of Account Fee/Arrears Cert:	\$22.90
	Transfer to Taxes Fee:	\$2,500.80
	Total Related to Property Tax	\$155,884.78
Water Related	Water arrears at time of MOS	\$232,377.85
	Interest on water arrears at time of MOS	\$78,558.36
	Water Arrears Accumulated subsequent to MOS to date	\$380,312.00
	Sub-total of Water Arrears before additional interest	\$691,248.21
	Potential Interest on Arrears	\$271,215.40
	Total Related to Water	\$962,463.61

Summary of total Amounts		
Total Current - December 2023	Includes Total Related to Property Taxes and Current Water Arrears excluding additional Interest	\$847,132.99
Potential Total		<u>\$1,118,348.39</u>

Court File Number CV-14-51

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

MARGARET MORRISON

Plaintiff

and

HAGERSVILLE BUSINESS PARK LTD., HER MAJESTY THE QUEEN IN
RIGHT OF THE GOVERNMENT OF CANADA, HER MAJESTY THE QUEEN IN
THE RIGHT OF ONTARIO AND THE COUNTY OF HALDIMAND

Defendants

**INTERIM MINUTES OF SETTLEMENT
BETWEEN MARGARET MORRISON (Ms. Morrison)
AND THE COUNTY OF HALDIMAND (Haldimand)**

The parties agree to resolve the issues referenced below as follows:

Background

1. There are two properties to which these Minutes of Settlement relate. The first is commonly referred to as the White Oaks Community, and is described as Roll #332 007 114500. The second is commonly referred to as the Lagoon property, and is described as Roll #332 007 114000.

Property Taxes

2. A statement showing property taxes, water arrears, interest, penalties and legal fees as at February 18, 2015 is attached as Schedule "A" to these Minutes of Settlement. With respect to the water arrears portion, the parties acknowledge that these are billed through Haldimand Hydro, and that there are some charges which will not yet have been forwarded to the County and therefore do not appear on Schedule "A". When received, the charges to February 18, 2015 will be added to the amount of the water arrears set out in paragraph 8 below.

3. (a) On or before February 28, 2015, Ms. Morrison shall pay to the County the sum of \$347,488.49, which represents the principal balance of the property tax arrears owing in respect of the above-noted properties as of February 28, 2015, and which includes the March 31, 2015 and May 29, 2015 interim property tax installments.

(b) Upon receipt of the payment referenced in 3(a) above, the County shall withdraw the Tax Arrears Certificate registered against both properties.
4. The penalties, interest and legal fees owing in respect of the said property tax arrears referenced in paragraph 2 above total \$153,361.08 as of February 28, 2015. These shall be held in abeyance and shall be dealt with through litigation, subject to the default provisions set out in paragraph 5 below.
5. Effective March 1, 2015, Ms. Morrison shall pay all ongoing property tax installments as they come due in respect of the said properties.
6. In the event of default in payment of any tax installment payable pursuant to paragraph 5 above in respect of either property for more than thirty (30) days, or in the event of default in payment of any water billing referenced in paragraph 9 below for more than thirty (30) days, or in the event that the amount of penalties, interest and legal fees as of February 28, 2015 referenced in paragraph 4 above is confirmed in this litigation, or in the event of a default as contemplated in paragraph 15 below, the parties agree that Haldimand shall be entitled to:

(a) Apply the *Municipal Act* calculation respecting payment of property taxes to the payment referenced in paragraph 3 above, namely, the payment shall be applied first toward oldest to newest penalties and interest respecting property taxes and once those penalties and interest are paid, toward oldest to newest property tax arrears principal. This calculation shall include interest

and penalties found to be owing on the unpaid principal amount of property tax arrears.

- (b) Add the amount calculated under 6(a) above to the tax rolls respecting the properties, on the condition and understanding that those amounts will have priority over mortgages or other encumbrances registered or to be registered against the properties. Mortgagees or other future encumbrancers will be required to acknowledge this priority in writing and to execute an agreement postponing their interests to the interests of the County to the extent of the arrears calculated pursuant to 6(a) above.
 - (c) Register a Tax Arrears Certificate, if allowed by the *Municipal Act*, and proceed accordingly.
7. In the event that there has been no default in payment of any tax installment as contemplated by paragraph 6, and in the event that a Court has not confirmed the amount of penalties, interest and legal fees as contemplated by paragraph 6 above, the parties agree that the arrears mentioned in paragraph 4 above shall have priority over mortgages or other encumbrances registered or to be registered against the properties, and that purchasers of the property shall acquire title subject to the interests of the municipality in respect of the said paragraph 4 arrears. Subsequent purchasers and mortgagees or other future encumbrancers will be required to acknowledge this priority in writing and to execute an agreement postponing their interests to the interests of the County to the extent of the arrears referenced in paragraph 4 above.

Water Charges

8. The parties acknowledge a dispute over the amount of the water charges billed to Ms. Morrison by Haldimand. The water billings are based on the amount of water leaving the Hagersville Booster Station, and arrears have been calculated on that basis. Ms. Morrison has asserted in this litigation that she is only responsible for the water used by White Oaks residents as evidenced by the

meter she has installed at the White Oaks property line. The arrears in water billings as of February 20, 2015, as added to the applicable property tax roll, are \$232,377.85 plus \$78,558.36 in accumulated penalties and interest for a total of \$310,936.21. These arrears shall be dealt with through litigation. Once the appropriate amount of water arrears, interest and penalty is determined, these amounts shall be dealt with in accordance with paragraph 11 below.

9. Effective March 1, 2015, Haldimand shall continue to bill Ms. Morrison for the water leaving the Hagersville Booster Station, and Ms. Morrison shall pay the amount shown on her meter she has installed at White Oaks. Such payment shall be made on the due date for the water billings.
10. The difference between the amounts referenced in paragraph 9 shall be added to the February 20, 2015 arrears referenced in paragraph 8 above, and shall be dealt with in accordance with that paragraph, and paragraph 11 below.
11. Once the amount of the water arrears, interest and penalties have been determined by litigation as contemplated by paragraph 8 above, Haldimand shall be entitled to:
 - (a) Apply the *Municipal Act* calculation respecting payment of property taxes to all payment received on account of water billings from March 1, 2015 to the date the amount of water arrears, penalties and interest is determined, namely, the payments shall be applied first toward oldest to newest interest and penalties, and once those are paid, toward oldest to newest principal water arrears. This calculation shall include interest and penalties found to be owing on the unpaid principal amount of water arrears.
 - (b) Add the amount calculated under 11(a) above to the tax rolls respecting the properties, on the condition and understanding that those amounts will have priority over mortgages or other encumbrances registered or to be registered against the properties. Mortgagees or other future encumbrancers will be

required to acknowledge this priority in writing and to execute an agreement postponing their interests to the interests of the County to the extent of the arrears calculated pursuant to 6(a) above.

(c) Register a Tax Arrears Certificate, if allowed by the *Municipal Act*, and proceed accordingly.

12. The parties acknowledge that the County has neither installed nor inspected the water meter installed by Ms. Morrison at the White Oaks property line, and that nothing in these Minutes of Settlement constitutes an acknowledgement by the County of the accuracy of the said meter.
13. Ms. Morrison agrees that County staff shall have access to read the meter at all reasonable times that the County determines are appropriate. The purpose of the meter reading will be to compare payments being made by Ms. Morrison to the metered amounts. For clarity, it is the present intention of the County to read the meter at the beginning of March, 2015, and once every two to three months thereafter. Ms. Morrison shall forward to the Treasurer the March 1, 2015 meter read, and the monthly reads taken thereafter on the first day of each subsequent month.

Litigation/Motion

14. In the event that the payment referenced in paragraph 1 is not made by February 28, 2015, the parties agree that the motion brought by Ms. Morrison requesting an injunction and other relief shall be returned to be argued on March 10, 2015 in Cayuga.
15. Both parties through their respective Counsel undertake to pursue diligently the outstanding litigation and negotiations as expeditiously as practicable in the circumstances, recognizing that there are three other parties to the litigation.

Notice and Postponement


16. Ms. Morrison undertakes to notify all subsequent encumbrancers and prospective purchasers of either or both properties of the terms and conditions of these Interim Minutes of Settlement. Any such subsequent encumbrancer or prospective purchaser shall execute an agreement postponing their interests to the interests of the County in respect of the arrears referenced in paragraph 4, and in respect of the arrears referenced in paragraph 8 above once the paragraph 8 amounts have been fixed by a Court. In either or both of those events, the provisions of paragraph 6 shall apply to the arrears referenced in paragraph 4, and, if applicable, the provisions of paragraph 11 shall apply to the paragraph 8 amounts, once those amounts have been fixed by a Court.
17. These Minutes of Settlement may be executed in counterparts and each of such counterparts taken together shall constitute one fully executed copy of the original Minutes of Settlement. Delivery of a facsimile copy of an executed counterpart of these Minutes of Settlement shall be deemed for all purposes to be delivery of an executed copy of such counterpart.

Signed at _____ on this _____ of February, 2015.

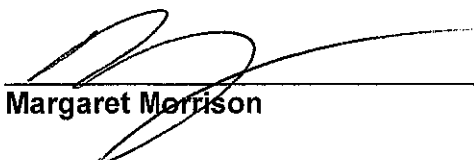
The Corporation of Haldimand County

Per: _____
For the County

Signed at Windsor, Ontario on this 23rd day of February, 2015.



Witness David Sandie



Margaret Morrison

SCHEDULE "A"



Reconciliation of Adjustments
As at February 18, 2015
White Dakes Village

Roll# 332 007 114500

Main Property with Homes

Year	Transaction Summary					Adjustment Details				Current Outstanding Account Balance				Pen/Fee Apportionment	
	Tax Levied	Pen/Inf	Adjustments	Payments	Balance	Water - A Years	Penalty Adjustment	Legal Fees	Total	Taxes Outstanding	Pen/Inf Outstanding	Other Outstanding	Balance	Percentage	Water Portion
2015	-	51.01	7,741.66	-	7,792.67	7,741.66	-	-	7,741.66	-	51.01	7,741.66	7,792.67	100%	\$51.01
2014	48,432.97	9,460.40	53,893.35	-	111,295.42	53,132.75	-	765.00	53,897.75	48,432.97	9,460.40	5,340.35	111,295.42	52%	\$4,919.41
2013	48,034.90	37,542.00	85,576.90	-	183,403.79	83,614.88	-	4,514.21	88,129.09	48,034.90	27,542.00	68,028.89	143,805.79	58%	\$15,974.36
2012	47,256.57	34,013.39	40,366.76	-	121,536.72	49,266.76	-	-	49,266.76	47,256.57	34,013.39	40,366.76	121,536.72	46%	\$15,646.16
2011	47,199.78	42,581.79	31,312.00	-	121,033.77	51,349.30	-	-	51,349.30	47,199.78	42,581.79	31,312.00	121,033.77	40%	\$17,012.72
2010	47,465.10	48,883.08	33,021.37	-	129,379.03	33,021.37	-	-	33,021.37	47,465.10	48,883.08	33,021.37	129,379.03	33%	\$16,131.42
2009	47,310.74	48,907.19	10,641.93	2,608.57	104,231.28	10,641.93	-	-	10,641.93	47,310.74	48,907.19	10,641.93	104,231.28	18%	\$8,803.29
2008	47,588.06	31,854.77	15,323.88	35,815.04	89,603.93	-	(5,323.88)	-	(5,323.88)	47,588.06	31,854.77	15,323.88	89,603.93	0%	\$0.00
2007	46,654.06	8,021.62	2,850.20	51,826.28	79,352.16	-	(2,850.20)	-	(2,850.20)	46,654.06	8,021.62	2,850.20	79,352.16	0%	\$0.00
Total for this Roll	300,243.10	251,315.25	220,090.80	90,249.89	768,289.34	272,377.85	(8,174.18)	2,837.21	277,040.88	312,518.81	320,615.47	324,256.06	768,389.34		\$78,558.36

Roll# 332 007 114000

Property with Lagoons

2015	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2014	1,938.78	202.29	207.00	-	2,404.07	-	-	765.00	3,169.07	1,938.78	202.29	207.00	2,404.07		
2013	1,871.81	1,008.89	2,688.60	-	5,569.30	-	-	2,688.60	8,257.90	1,871.81	1,008.89	2,688.60	5,569.30		
2012	1,787.43	702.16	-	-	2,489.59	-	-	-	2,489.59	1,787.43	702.16	-	2,489.59		
2011	1,578.80	829.50	-	-	2,408.30	-	-	-	2,408.30	1,578.80	829.50	-	2,408.30		
2010	1,264.90	868.54	-	-	2,133.44	-	-	-	2,133.44	1,264.90	868.54	-	2,133.44		
2009	979.76	817.34	-	-	1,797.10	-	-	-	1,797.10	979.76	817.34	-	1,797.10		
2008	625.13	670.40	-	-	1,295.53	-	-	-	1,295.53	625.13	670.40	-	1,295.53		
2007	656.08	373.58	-	318.19	1,347.85	-	-	-	1,347.85	656.08	373.58	-	1,347.85		
Total for this Roll	10,702.69	5,475.10	2,915.60	318.19	19,411.58			2,915.60	22,327.18	10,384.50	5,475.10	2,915.60	19,411.58		\$78,558.36
Total for Both Rolls	390,945.79	256,790.35	220,022.54	90,568.08	787,700.92	272,377.85	(8,174.18)	5,823.87	279,027.54	322,903.31	326,090.57	327,171.66	787,700.92		\$78,558.36

B E T W E E N

ROYAL BANK OF CANADA
Plaintiff

-and- MARGARET LOIS MORRISON, et al.

Defendants

Court File No. CV-23-00000065-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Cayuga

AFFIDAVIT OF SERVICE

FOGLER RUBINOFF LLP

Lawyers

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Toronto, ON M5K 1G8

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Tel: 416.849.4150

Lawyers for the Receiver