

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE *ME*)
JUSTICE *T McKeown*)
)
)

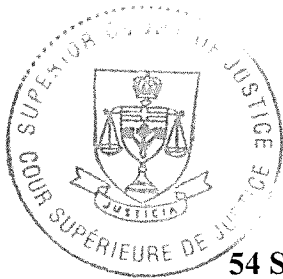
TUES DAY THE *5th* DAY
OF NOVEMBER 2019

BETWEEN:

FIRST ONTARIO CREDIT UNION LIMITED

Applicant

- and -



54 SHEPHERD ROAD INC. AND 60 SHEPHERD ROAD INC.

Respondents

APPLICATION UNDER Subsection 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3, as amended, Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended and Rule 14.05(3)(g) and (h) of the *Rules of Civil Procedure*

ORDER
(lifting stay)

THIS MOTION made by the Corporation of the Town of Oakville (the "Town") for an order declaring that the stay of proceedings pursuant to the Order of Justice Patillo dated October 24, 2019 (the "Appointment Order") does not operate in respect of in respect of the emergency order #2019-111642 issued by the Town on September 27, 2019 (the "Emergency Order"), any related emergency order and any related proceedings to be commenced by the Town pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "Building Code") was heard this day at 330 University Avenue, Toronto, Ontario.

UPON READING the Notice of Motion, the Affidavit of Dennis Perlin sworn on November 1, 2019, AND UPON HEARING the submissions of the lawyers for the Town, the lawyers for the Receiver, no other person appearing for any other party on the service list although duly served as appears from the Affidavit of Service of Melissa Stratton sworn on November 4, 2019, filed,

1. THIS COURT ORDERS that the time for service of the Motion Record for the within motion be and is hereby abridged such that this motion is properly returnable today and that further service of the motion be and is hereby dispensed with.

2. THIS COURT ORDERS and declares that the stay of proceedings pursuant to the Appointment Order shall no longer operate in respect of the Emergency Order, any related emergency order and any related proceedings to be commenced by the Town pursuant to s. 15.7 of the Building Code, and the Town be and is hereby authorized to take any measures necessary to bring the property legally known as PT LT 16, CON 3 TRAF SDS; PT RDAL BTN LTS 15 & 16, CON 3 TRAF SDS, AS CLOSED BY BYLAW 608 AS IN 702148 DESIGNATED AS PT 1 20R20836 TOWN OF OAKVILLE (the “**Property**”) into conformity with Part 6, Section 6.2.1 under Town of Oakville By-Law 2017-007 (the “**By-Law**”).

3. THIS COURT ORDERS that without limiting the generality of the foregoing, the Town, including its employees and agents, is authorized but not required to:
 - (a) make further orders pursuant to s. 15.7 of the Building Code as may be required to set out the particulars of non-conformity and to require remedial repairs or other work to bring the Property into conformity with the By-Law;

- (b) enter upon the Property carry to out such remedial work and other work to bring the Property into conformity with the By-Law;
- (c) apply to a judge of the Superior Court of Justice pursuant to subsection 15.7(7) of the Building Code for a confirmation hearing (the “**Confirmation Hearing**”), on notice to the service list in this proceeding; and,
- (d) add any amount determined at the Confirmation Hearing to be recoverable by the Town to the tax roll against the Property pursuant to section 1(2.1) of the *Municipal Act, 2001*.

msi Spergel Inc.

4. THIS COURT ORDERS that ~~First Ontario Credit Union Limited~~ be added as an additional insured on the liability insurance policy held by the Town of Oakville relating to any work performed by the Town on the Property.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:
NOV 05 2019

[Handwritten Signature]

PER / PAR: *U-T*

THE CORPORATION OF THE TOWN OF OAKVILLE
Applicant

and

54 SHEPHERD ROAD INC. et. al.
Respondents

Court File No. CV-19-00628680-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

ORDER

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