

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

THE HONOURABLE ) MONDAY, THE 17<sup>th</sup> DAY  
JUSTICE B. CONWAY ) OF AUGUST, 2020

B E T W E E N:

**THE CORPORATION OF THE TOWN OF OAKVILLE**

Applicant

- and -

**54 SHEPHERD ROAD INC.**

Respondent

**APPLICATION UNDER** section 15.7 of the *Building Code Act, 1992*, S.O. 1992, c. 23

**JUDGMENT**

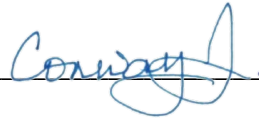
**THIS APPLICATION** made by The Corporation of the Town of Oakville was heard by videoconference due to the COVID-19 pandemic this day in Toronto, Ontario.

**ON READING THE NOTICE OF APPLICATION**, the Affidavit of Andrew Eldridge sworn on July 14, 2020 and the Affidavit of Raj Vemulapalli sworn on July 15, 2020, and on hearing the submissions of the lawyers for The Corporation of the Town of Oakville, lawyers for msi Spergel Inc., in its capacity as court-appointed receiver of 54 Shepherd Road Inc. and 60 Shepherd Road Inc., lawyers for FirstOntario Credit Union Limited, lawyers for Hi-Rise Capital Limited, the court-appointed representative counsel to the syndicated investors and lawyers for Community Trust Company, no other persons appearing for any other person although duly served with the Application Record as appears from the Affidavit of Service of Melissa Stratton sworn on August 5, 2020,

1. **THIS COURT ORDERS AND ADJUDGES** that Emergency Order # 19-107883 issued by The Corporation of the Town of Oakville on June 13, 2019 (the “**First Emergency Order**”) relating to the property located at 58-62 Shepherd Road, Oakville, Ontario is hereby confirmed within the meaning of section 15.7(8)(a) of the *Building Code Act, 1992*, S.O. 1992, c. 23.
2. **THIS COURT ORDERS AND ADJUDGES** that The Corporation of the Town of Oakville may recover from 54 Shepherd Road Inc. the amount of \$877.45 spent by The Corporation of the Town of Oakville on measures to terminate the danger in relation to the First Emergency Order.
3. **THIS COURT ORDERS AND ADJUDGES** that Emergency Order # 2019-111642 issued by The Corporation of the Town of Oakville on September 27, 2019 (the “**Second Emergency Order**”) relating to the property located at 58-62 Shepherd Road, Oakville, Ontario is hereby confirmed within the meaning of section 15.7(8)(a) of the *Building Code Act, 1992*, S.O. 1992, c. 23.
4. **THIS COURT ORDERS AND ADJUDGES** that The Corporation of the Town of Oakville may recover from 54 Shepherd Road Inc. the amount of \$740,112.71 spent by The Corporation of the Town of Oakville on measures to terminate the danger in relation to the Second Emergency Order.
5. **THIS COURT ORDERS AND ADJUDGES** that 54 Shepherd Road Inc. pay to The Corporation of the Town of Oakville the sum of \$28,986.75 for costs of this application on a partial indemnity basis, inclusive of disbursements and HST.
6. **THIS COURT ORDERS AND ADJUDGES** that the amounts ordered in this judgment shall be a lien on the property municipally known as 58-62 Shepherd Road, Oakville, Ontario and legally described in Schedule A to this judgment, shall have priority lien status within the meaning of section 15.7(10) of the *Building Code Act, 1992*, S.O. 1992, c. 23 and section 1(2.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, and may be added to tax roll numbers 2401-030-130-02000 and 2401-030-130-02100.

7. **THIS COURT ORDERS** that this judgment is effective from today's date and is enforceable without the need for entering and filing.

**THIS JUDGMENT BEARS INTEREST** at the rate of 2.0% per cent per year commencing on August 17, 2020.

A handwritten signature in blue ink, appearing to read "Conway J.", is written over a horizontal black line.

**SCHEDULE A**

PT LT 16, CON 3 TRAF SDS; 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 CORPORATION OF THE TOWN OF OAKVILLE**  
Applicant

-and- **54 SHEPHERD ROAD INC.**  
Respondent

Court File No. CV-20-00644286-00CL

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

Proceeding commenced at Toronto

**JUDGMENT**

**WeirFoulds LLP**  
Barristers & Solicitors  
4100 – 66 Wellington Street West  
PO Box 35, TD Bank Tower  
Toronto, Ontario M5K 1B7

**Krista Chaytor** (LSO # 42818B)  
kchaytor@weirfoulds.com

**Paul Conrod** (LSO # 77604E)  
pconrod@weirfoulds.com

Tel: 416-365-1110  
Fax: 416-365-1876

**Lawyers for the Applicant,  
The Corporation of the Town of Oakville**