

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**BETWEEN:**

**GRACE AD SHADE, BEAVER VALLEY HOLDINGS LIMITED  
and PREMIERE SELF STORAGE INC.**

**Applicants**

**- and -**

**TDCI BRACEBRIDGE INC., CLIVE FIGUEIRA  
and CAROL TARBACK**

**Respondents**

**AFFIDAVIT OF LAUREN KASON**

I, **Lauren Kason**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am an associate with the law firm of Gardiner Roberts LLP, counsel for the Applicants and as such have knowledge of the matters sworn to in this affidavit.
2. In relation to the information set out in this affidavit, I have been advised by Grace Adshade, who is one of the Applicants and is the sole officer and director of the corporate Applicants, and I verily believe what she has advised me to be true.
3. Ms. Adshade has advised me and confirmed that the only proceeds that the Applicants received from the auction conducted at the direction of the Receiver and in relation to the lien rights of the Applicants further to the *Repair and Storage Liens Act* (the "Act"), was in the amount of \$4258. The amounts

received in this regard related to execution on liens for lockers other than those used by Clive Figueira and Carol Tarback.

4. Ms. Adshade has further advised me that prior to the auction taking place, at the request of counsel for Carol Tarback,, Mr. John Ormston, she agreed to permit the contents of the lockers to which the Applicants lien rights applied over Clive Figueira, to be placed in a large room at the TDCI Bracebridge Inc. ("TDCI") building to permit Ms. Tarback and Mr. Figueira to remove alleged personal items from the contents under supervision by the Receiver.
5. We believe that this may also have led to the Receiver's error in not immediately paying the proceeds from the auction to the Applicants as per their lien rights as had been acknowledged and agreed by the Reciever. The Applicants had taken all enforcement steps to that date to realize on their lien rights under the Act and in relation to the *Execution Act* resulting in the auction being conducted, including payment to the auctioneer in relation to the goods sold at auction. There were no further steps needed for the Applicants to execute on their rights. Any funds in the possession of the Receiver related to the sale of the items subject to the executed liens related to Clive Figueira and Carol Tarback belong to the Applicants.
6. The Receiver and the court have also been provided with substantial evidence related to the vast amount of money taken by Clive Figueria from the Applicants and TDCI. Ms. Adshade has further advised me that evidence has been provided as to the fact that at the time the TDCI building was purchased there were substantial tools and heavy equipment as part of the purchase of the building from Dura Automotive Systems Inc. This included numerous trailers that were on the property at the time it was purchased. Ms. Adshade also advised me that Mr. Figueira and Ms. Tarback did not even have a vehicle at the time the TDCI building was purchased and she lent them one to drive.
7. As part of the application to have the Receiver appointed, and in relation to the trial before Justice Pattillo, evidence was presented to the court including



GRACE AD SHADE, et al.  
Applicants

-and- TDCI BRACEBRIDGE INC., et al.  
Respondents

Court File No. **CV-14-10678-00CL**

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Proceeding Commenced at: Toronto

**AFFIDAVIT OF LAUREN KASON**

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RCP-E 4C (July 1, 2007)