

**Properties**

**PIN** 22565 - 0352 LT **Interest/Estate** Fee Simple  
**Description** LT 75-81 PL 322 TWP OF WATERLOO; PT LT 38-43, 51-56, 74, 82-85 PL 322 TWP OF WATERLOO; PT LT 2 PL 963 KITCHENER; PT LT 141 STREETS & LANES KITCHENER; PT LT 142 STREETS & LANES KITCHENER (FORMERLY PT HERMAN AV & PT AUBURN AV PL 322, CLOSED BY 210008) PT 1, 2, 3, 4, 5, 6, 7, 58R13759; S/T & T/W 1566343; S/T 1404828, 1559347, 1563157; KITCHENER  
**Address** 1250 WEBER STREET EAST  
 KITCHENER

**Party From(s)**

**Name** ONTARIO SUPERIOR COURT OF JUSTICE  
**Address for Service** 85 Frederick Street  
 Kitchener, ON  
 N2H 0A7

**Applicant(s)****Capacity****Share**

**Name** ATTORNEY GENERAL OF ONTARIO  
**Address for Service** Civil Remedies Office  
 Ministry of the Attorney General  
 77 Wellesley Street West  
 P.O. Box 555  
 Toronto, Ontario  
 M7A 1N3

**Statements**

The applicant applies to register the following order C-636-16. The order is still in full force and effect

The court order contains the following title related restriction: Pursuant to paragraph 3 of the court order dated June 16, 2016, the registered owner of this property, or anyone acting on its behalf, or anyone else claiming any interest in the property, shall not have any dealings with, sell, lease, assign, transfer with or without consideration, convey or further encumber, borrow against or otherwise use as security or commence any proceedings pursuant to the terms of any mortgage or lien dealing with or in any way related to the property. Pursuant to paragraph 4 of this court order, the Land Registrar is directed to place a No Dealings indicator on title to this property.

Schedule: See Schedules

**Signed By**

Lawrence Michael Winton 77 King Street West Suite 3000 PO acting for Signed 2016 06 16  
 Box 95 TD Centre Applicant(s)  
 Toronto  
 M5K 1G8

Tel 416-864-9700

Fax 416-941-8852

I have the authority to sign and register the document on behalf of the Applicant(s).

**Submitted By**

FOGLER, RUBINOFF LLP 77 King Street West Suite 3000 PO 2016 06 16  
 Box 95 TD Centre  
 Toronto  
 M5K 1G8

Tel 416-864-9700

Fax 416-941-8852

**Fees/Taxes/Payment**

**Statutory Registration Fee** \$62.85  
**Total Paid** \$62.85

**File Number**

Applicant Client File Number : 16/4654

Court File No.: C-636-16

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE *MR.* )  
JUSTICE *J. W. SLOAN* )

THURSDAY, THE 16<sup>TH</sup> DAY OF  
JUNE, 2016

BETWEEN:

ATTORNEY GENERAL OF ONTARIO

Applicant/Moving Party

- and -

1250 WEBER STREET EAST, KITCHENER, ONTARIO,  
OR THE PROCEEDS OF THE SALE THEREOF (IN REM)

Respondent/Responding Party

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ORDER

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THIS MOTION, made without notice, by the Applicant/Moving Party, the Attorney General of Ontario, for a 30-day Preservation Order under the *Civil Remedies Act, 2001* (the "*Civil Remedies Act*"), was heard this day at the Court House located at 85 Frederick Street, Kitchener, Ontario.



**ON READING** the Motion Record, Factum and Book of Authorities of the  
Attorney General of Ontario,

**ON HEARING** the submissions of counsel for the Applicant,

- 1. THIS COURT ORDERS** preservation, pursuant to the *Civil Remedies Act* of the real property municipally known as 1250 Weber Street East, Kitchener, Ontario, and registered in Land Registry Office No. 58 as Property Identification No. 22565-0352 (LT) and legally described as: LT 75-81 PL 322 TWP OF WATERLOO; PT LT 38-43, 51-56, 74, 82-85 PL 322 TWP OF WATERLOO; PT LT 2 PL 963 KITCHENER; PT LT 141 STREETS & LANES KITCHENER; PT LT 142 STREETS & LANES KITCHENER (FORMERLY PT HERMAN AV & PT AUBURN AV PL 322, CLOSED BY 210008) PT 1, 2, 3, 4, 5, 6, 7, 58R13759; S/T & TW 1566343; S/T 1404828, 1559347, 1563157; KITCHENER (the "Property"), for a period of thirty (30) days, or until otherwise ordered by this Court:
- 2. THIS COURT ORDERS** that, pursuant to subsection 4(1) of the *Civil Remedies Act*, the Property is preserved for a period of thirty (30) days from the date of this Order, and the Respondents or any person having knowledge of this Order be and the same are hereby enjoined from dealing with the Property in any manner whatsoever, including, but not limited to, any sale, lease, assignment, transfer, mortgage, lien or encumbrance of any kind, until the completion of these proceedings or until such time as this Court orders.

3. **THIS COURT ORDERS** that Emmanuel Village Residence Inc. (the "Registered Owner"), or anyone acting on its behalf, or anyone else claiming any interest in the Property, shall not have any dealings with, sell, lease, assign, transfer with or without consideration, convey or further encumber, borrow against or otherwise use as security or commence any proceedings pursuant to the terms of any mortgage or lien dealing with or in any way related to the Property.
4. **THIS COURT ORDERS** that a copy of this Order shall be registered on title to the Property and the Land Registrar is directed to place a "No Dealings" indicator on title to the Property.
5. **THIS COURT ORDERS** that the Property is to be preserved by the Registered Owner maintaining that the Property is in good repair and order, and that any bills and/or expenses related to the maintenance and repair of the Property shall be paid by the due date.
6. **THIS COURT ORDERS** that the Property is to be preserved by the Registered Owner maintaining the utility services to the Property and that the Registered Owner shall pay all regular bills and/or expenses for the Property, including, but not limited to, property taxes, mortgage payments, electricity, water, gas, and any other utility accounts that are outstanding, by the applicable due date.
7. **THIS COURT ORDERS** that the Registered Owner shall continue to duly and punctually collect any and all rental and/or other occupancy fees and payments

due and owing from all residents and/or occupants of the Property, and continue to pursue any and all arrears of any such fees and payments as would a prudent owner and/or operator of a property similar to the Property.

8. **THIS COURT ORDERS** that the Director of Asset Management – Civil (the "Director") or such person as may be designated or as may be required to assist the Director, shall be permitted on forty-eight (48) hours' notice to the Registered Owner or any mortgagee in possession and control of the Property, or any person occupying the Property or any portion, or portions thereof, to enter upon the Property, inspect and photograph the Property to ensure compliance with this Order and to determine the value and condition of the Property, as the case may be.
9. **THIS COURT ORDERS** that the Registered Owner shall provide to counsel for the Attorney General of Ontario, copies of all insurance policies with respect to the Property. If the Registered Owner fails to provide copies of all insurance policies with respect to the Property to counsel for the Attorney General of Ontario, the insurance companies shall comply with requests for information with respect to these policies within ten (10) days of a request by counsel for the Attorney General of Ontario.
10. **THIS COURT ORDERS** that the Registered Owner shall, subject to the terms of this Order, amend all insurance policies in effect on the Property to add the Attorney General of Ontario as a party to whom loss is payable and to provide proof to the Director that all such insurance policies have been amended to show

loss payable to the Attorney General of Ontario. Failing compliance by the Registered Owner, the Director shall have the right to directly instruct the insurance company to amend the loss payable provision on all insurance policies in effect on the Property into the name of the Attorney General of Ontario.


11. **THIS COURT ORDERS** that the Registered Owner shall, within seven (7) days of service of this Order, provide proof to the Director that he has notified the insurer under any policies of insurance in effect on the Property preserved in this Order of any: change in material risk; increased hazard; or vacancy or non-occupancy of the Property, or any part or parts thereof, extending beyond thirty (30) days. Failing compliance by the Registered Owner, the Director shall notify the insurer directly of these changes.
12. **THIS COURT ORDERS** that the Director may, from time to time and at any time, request information on the mortgage(s) on the Property including the amount required to pay out the mortgage(s) or bring same into good standing, and all parties who receive such a request shall comply within fifteen (15) days.
13. **THIS COURT ORDERS** that, in the alternative, if the Property has been transferred on or prior to the date of this Order, then, pursuant to subsection 4(1) of the *Civil Remedies Act*, any and all consideration paid or payable in connection with any such sale, which consideration represents the gross proceeds from the sale of the Property, is preserved for a period of thirty (30) days, or until otherwise ordered by this Court.


14. **THIS COURT ORDERS** that to preserve the proceeds of any sale of the Property, the proceeds contemplated by paragraph 13 of this Order shall be deposited with the Accountant of the Superior Court of Justice in an interest bearing account to the credit of the Application.
15. **THIS COURT ORDERS** that, in the alternative, if, as of the date of this Order, the Property is the subject of an executed agreement of purchase and sale (an "APS") pursuant to which the Property is to be sold to a purchaser, then: (i) the Registered Owner shall forthwith advise the Applicant of the existence of any such APS; (ii) the Registered Owner shall, within three (3) days of the date of this Order, deliver to the Applicant a true and complete copy of the APS together with true and complete copies of any and all amendments to such APS; and (iii) the Applicant shall deliver to the purchaser under the APS, within five (5) days of receipt of a copy of the APS and amendments thereto from the Registered Owner, a true and complete copy of this Order. If an APS is in existence, then, notwithstanding the terms, conditions and provisions of any such APS, the Director shall have the right, in its sole, absolute and unfettered discretion, to approve or disapprove of the terms and provisions of the transaction contemplated by the APS and any amendments thereto. If the terms and provisions of the APS and any amendments thereto are approved by the Director: (A) the Registered Owner shall complete the transaction contemplated by the APS, as amended to such date of approval by the Director, in strict accordance with the terms and provisions thereof and with no further amendments being made to the APS which have not been



approved in writing by the Director, which approval may be granted or withheld in the sole and absolute discretion of the Director; and (B) the proceeds of the sale of the Property shall be preserved for a period of thirty (30) days, or until otherwise ordered by this Court. If the terms and provisions of the APS and any amendments thereto are not approved by the Director, the Registered Order shall not complete the sale of the Property pursuant to the provisions of the APS, as amended.

16. **THIS COURT ORDERS** that to preserve the proceeds of any sale of the Property contemplated by paragraph 15 of this Order, any proceeds shall be deposited with the Accountant of the Superior Court of Justice in an interest bearing account to the credit of the Application.
17. **THIS COURT ORDERS** that this matter return to this Court on July 14, 2016 at 10:00 a.m., at which time a further motion to extend this Order pending determination of the forfeiture Application will be heard pursuant to the *Civil Remedies Act*.

  
Justice of the Superior Court of Justice

ENTERED AT KITCHENER
In Book No. 5C
As Document No. 8666
on JUN 16 2016
by 

JUN 16 2016 10:29AM

Court File No.: C-636-16

ATTORNEY GENERAL OF ONTARIO

- and -

1250 WEBER STREET EAST, KITCHENER, ONTARIO, OR THE  
PROCEEDS OF THE SALE THEREOF (IN REM)

Applicant / Moving Party

Respondent / Responding Party

ONTARIO  
SUPERIOR COURT OF JUSTICE  
Proceedings commenced at Kitchener

ORDER

Gary Valiquette, LSUC # 34925M  
Jennifer Malabar, LSUC # 49358M

Ministry of the Attorney General  
Civil Law Division  
Civil Remedies for Illicit Activities Office (CRIA)

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Attorney General of Ontario

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