

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) WEDNESDAY, THE 11TH DAY
)
JUSTICE NEWBOULD) OF JANUARY, 2017



BETWEEN:

EMMANUEL VILLAGE RESIDENCE INC.

Applicant

and

ATTORNEY GENERAL OF ONTARIO

Applicant

and

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

Respondent

ORDER

THIS MOTION, by the Plaintiffs in the action bearing court file no. CV-10-8597-00CL, for a declaration that, in accordance with the Order of the Honourable Justice Campbell dated May 17, 2013, \$1.2 million be paid to Bennett Jones LLP in trust on behalf of the Plaintiffs immediately upon sale of the retirement residence owned by Emmanuel Village Residence Inc. located at 1250 Weber St., Kitchener, Ontario (the **Residence**), was heard this day at the court house at 330 University Avenue, Toronto, Ontario, M5G 1R7.

ON CONSENT OF COUNSEL for all parties,

1. **THIS COURT ORDERS** that the Attorney General of Ontario's preservation Orders under the *Civil Remedies Act*, over the proceeds of the sale of the Residence, are varied to allow for the payment of \$1.2 million to Bennett Jones LLP in trust on behalf of the Plaintiffs immediately, in accordance with paragraph 4(a) of the Order of the Honourable Justice Campbell dated May 17, 2013.

2. **THIS COURT ORDERS** that in accordance with paragraph 4(a) of the Order of the Honourable Justice Campbell dated May 17, 2013, BDO Canada Limited, in its capacity as receiver, pay \$1.2 million to Bennett Jones LLP in trust on behalf of the Plaintiffs immediately; and

3. **THIS COURT ORDERS** that there shall be no costs of this motion.



Justice of the Superior Court of Justice

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

JAN 11 2017

PER / PAR:



EMMANUEL VILLAGE RESIDENCE -and-
INC.

Applicant

ATTORNEY GENERAL OF
ONTARIO

Applicant

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

Court File No.: CV-16-11424-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**
Proceeding commenced at Toronto

ORDER

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bearing Court File No. CV-10-8597-00CL