

PEOPLES TRUST COMPANY

and

ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY

Applicant

Respondent

July 11, 2017

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding Commenced at TORONTO

MOTION RECORD
(RETURNABLE JULY 11, 2017)



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Lawyers for Deloitte Restructuring Inc., in its capacity as court appointed receiver and manager of Rose of Sharon (Ontario) Retirement Community

July 11/17 E. Golden, for Receiver
G. Kim, for self-represented.

The Receiver's motion w/ET Motion's ~~the~~ occupation of Unit PHB was scheduled to be heard on Aug 30/17 pursuant to Fattullo J's order of June 5/17. Ms Kim has scheduled a hearing before the LTB on July 25/17, to deal with the very same issues that will be before this court on Aug 30. She has not, however, brought a motion to lift the stay of proceedings against the Receiver set out in the Appointment Order dated Sep 27/11. This alone is sufficient to grant an order staying the LTB hearing on July 25th. Further, it appears that this is an attempt to circumvent the hearing of these issues by the court on Aug 30th and, considering the reliance placed on the parties, I would not have granted the lift stay motion in any event: see Peoples Trust Company v. Rose of Sharon (Ontario) Retirement Community, 2010 ONSC 7319.

I am staying the LTB proceeding scheduled for July 25 pending the return of the motion

before this court on Aug 30th. Ms Kem
is free to address any jurisdictional
issues concerning the Receiver's
motion at that time.

Stay Order to go as signed by me.

Conway J.