

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY , THE 14th DAY
)
JUSTICE MESBUR) OF NOVEMBER, 2013

B E T W E E N:

PEOPLES TRUST COMPANY

Applicant

- and -

ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY

Respondent

ORDER

THIS MOTION made by Peoples Trust Company ("**Peoples**") for an Order declaring that Peoples is entitled to priority over the claims of certain persons, including without limitation the claims of certain life lessees against the Property (as defined below) or its proceeds, whether under Right to Occupy Agreements ("**RTOAs**") or otherwise, and any tenants of such life lessees (collectively, "**Life Lease Claimants**"), with respect to the property owned and operated by Rose of Sharon (Ontario) Retirement Community ("**Rose of Sharon**") known municipally as 15-17 Maplewood Avenue, Toronto, Ontario and/or units in the said building (the "**Property**"), save and except for any construction lien claims found to be valid and prior by a judge presiding over the Superior Court of Justice (Commercial List).

ON READING Peoples' Compendium and the documents contained therein, Peoples' Factum and Supplementary Factum and on hearing the submissions of counsel for Peoples, Representative Counsel, the Receiver, Unimac Group Ltd. and Trisura Guarantee Insurance Company, no one appearing for any other party although duly served as appears from the Affidavits of Service of Haddon Murray sworn September 4, 2013, September 6, 2013 and October 25, 2013.

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Amended Notice of Motion and the Compendium herein is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

PRIORITY

2. **THIS COURT ORDERS AND DECLARES** that Peoples is entitled to priority over the claims of all persons claiming an interest in the following units in the Property and the proceeds thereof, as such units are identified in Appendix "F" to the Fourth Report of the Receiver dated March 11, 2013:

- (a) The sixteen (16) Released and Vacant units;
- (b) The three (3) TurfPro RTOA units
- (c) The two (2) Turfpro Option Units identified as units 310 and PH3;
- (d) The one (1) Unsold and Vacant unit; and
- (e) The three (3) units in which John Yoon or Moon Yoon claim an interest,

except for any construction lien claims found to be valid and prior by a judge presiding over the Superior Court of Justice (Commercial List).

GENERAL

3. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give

effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

4. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.



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ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

NOV 22 2013



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