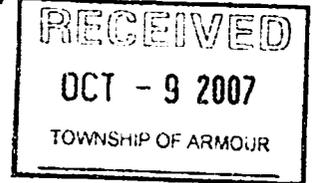


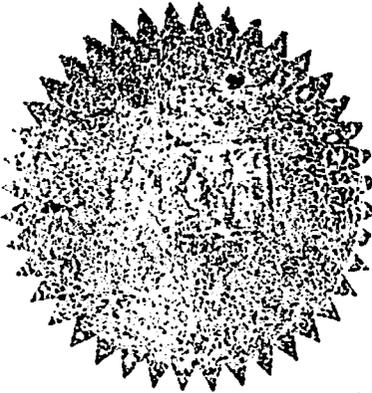
CRI 12/26

Court File No. 4187/07

**ONTARIO
SUPERIOR COURT OF JUSTICE**



BETWEEN:



1670342 ONTARIO INC.
Applicant

- and -

THE MUNICIPAL CORPORATION OF THE
TOWNSHIP OF ARMOUR
Respondent

NOTICE OF APPLICATION

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant(s).
The claim made by the applicant(s) appears on the following page.

THIS APPLICATION will come on for a hearing on Friday, October 26,
2007, at 10:00 a.m. at the Court House, 360 Plouffe Street, North Bay, Ontario,
P1B 9L5 .

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any
step in the application or to be served with any documents in the application you or
an Ontario lawyer acting for you must forthwith prepare a notice of appearance in
Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant(s)
lawyer(s) or, where the applicant(s) do(es) not have a lawyer, serve it on the
applicant(s), and file it, with proof of service, in this court office, and you or your
lawyer(s) must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer(s) must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant(s) lawyer(s) or, where the applicant(s) do(es) not have a lawyer, serve it on the applicant(s), and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: October 9, 2007

Issued by 
Local registrar

360 Plouffe Street
North Bay, Ontario
P1B 9L5

TO: The Municipal Corporation of
The Township of Armour
55 Ontario Street
P.O. Box 533
Burk's Falls, Ontario
P0A 1C0

NOTICE OF APPLICATION

1. The Applicant makes application for a determination of rights arising out of an Order to Comply issued pursuant to Section 8(1) of the *Building Code Act* 1992, S.O. 1992, c. 23 ("the *Act*") on September 20, 2007 by Paul Schaefer, Chief Building Official of the Municipal Corporation of the Township of Armour ("the Order").
2. The application is an appeal of the Order as the following questions are at issue:
 - (a) Is the trailer located at 2159 Pickerel and Jack Lake Road in the Township of Armour ("the trailer"), improperly described in the Notice as a "wood chalet building," a "building" as defined by the *Act* and associated regulations thus requiring a building permit for its construction pursuant to Section 8(1) of the *Act*?
 - (b) Is the Applicant required to demolish or move the trailer as required by the Order?
3. The Applicant seeks its costs of this application on a substantial indemnity basis.
4. The Grounds for the application are:
 - (a) The opinion, advice and direction of the court is sought pursuant to the provisions of rule 14.05(3) and 38 of the *Rules of Civil Procedure*;
 - (b) Sections 24 and 25 of the *Building Code Act*; and,
 - (c) Uncertainty has arisen concerning the status of the trailer and whether or not Section 8(1) of the *Act* applies to its presence on the

Applicant's property.

The following Documentary evidence will be used at the hearing of the application:

- (a) The Affidavit of Manuel Mike Dasilva on behalf of 1670342 Ontario Inc.; and,**
- (b) Engineering documents and technical specifications relating to the trailer.**

The Applicant asks that this application be heard at North Bay.

Dated at North Bay October 9, 2007

**Aaron K. Peterkin
LSUC No. 49883K
VALIN PARTNERS LLP
Barristers & Solicitors
140 Main Street West
NORTH BAY, Ontario
P1B 8G8**

**(705) 474-1220 (tel)
(705) 474-5630 (fax)**

Solicitors for the Applicant

1670342 ONTARIO INC.

Applicant

THE MUNICIPAL CORPORATION OF THE
TOWNSHIP OF ARMOUR

Respondent

Court file # 418707.

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced at
North Bay

NOTICE OF APPLICATION

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Solicitors for the Applicant