



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP / ENDORSEMENT

COURT FILE NO.: CV- 11-00009399- 00CL DATE: 26 January 2023

NO. ON LIST: 7

TITLE OF PROCEEDING: **PEOPLES TRUST COMPANY V ROSE OF SHARON**

BEFORE JUSTICE: **Osborne**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Counsel for Receiver – Patrick Shea	Deloitte	Patrick.shea@gowlingwlg.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Counsel for respondent - Eugene Czolij	Rose of Sharon CHMC	Eczolij@lavery.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE OSBORNE:

1. This matter has been ongoing for some 11 years. It centres around a nursing home property over which the Receiver was appointed, and subsequently authorized and directed to sell certain units to individuals who had rights to the life lease units and who had settled with the Receiver, and to list the remaining condominium units for sale.
2. This Court granted an Approval and Vesting Order to facilitate the sale of the condominium units in an efficient manner and avoid the Court having to make approximately 90 individual vesting orders.
3. Accordingly, the AVO contemplated that the Receiver would enter into individual sale agreements and title would vest in those purchasers on the delivery of a Closing Certificate identifying the purchaser and the unit sold. The structure was that the Closing Certificate formed part of the AVO such that when completed, the AVO clearly identified the purchaser, the unit being vested and the encumbrances to be deleted from title if any.
4. The Land Registry Office now takes the position, however that there was a deficiency in the AVO in that it does not identify each individual purchaser.
5. Discussions with the Director of the LRO have ensued. The Director has confirmed that the draft orders sought today would rectify the deficiency in the AVO but does not wish to participate in the motion.
6. I am satisfied that the orders sought represent a practical and efficient solution to the problem. I am also satisfied that this Court has the jurisdiction to make them pursuant to sections 101 and 101 of the *Courts of Justice Act*, sections 23, 25, 26 and 78 of the *Land Titles Act*, section 21 of the *Conveyancing and Law of Property Act* and section 243 of the *BIA*.
7. I am also satisfied that the 13th Report of the Receiver and the Supplement thereto, together with the interim statement of receipts and disbursements for the period September 28, 2011 to December 31, 2022, together with the fees and disbursements of the Receiver and its counsel, both firms, for the period January 1, 2017 through to December 31, 2022 are approved.
8. The claims by the Receiver against York Health Care Developments (CV-12-463472) have been resolved on consent and are dismissed without costs.
9. Orders to go in the form signed by me today which are effective without the necessity of issuing and entering.

Osborne, J.