

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

)

THURSDAY, THE 15th DAY

)

JUSTICE PATTILLO

)

OF JULY, 2021



**IN THE MATTER OF THE NOTICES OF INTENTION
TO MAKE A PROPOSAL OF 33 LAIRD INC. AND 33 LAIRD
GP INC. CORPORATIONS INCORPORATED UNDER THE
ONTARIO *BUSINESS CORPORATIONS ACT*, AND 33 LAIRD
LIMITED PARTNERSHIP, A LIMITED PARTNERSHIP
FORMED UNDER THE ONTARIO *LIMITED PARTNERSHIPS ACT***

ORDER

THIS CROSS-MOTION, made by Schindler Elevator Corporation (“**Schindler**”), for an Order declaring that it is the title holder and owner of certain elevating equipment delivered to the subject lands, being 33 Laird Drive, Toronto (the “**Property**”), and permitting it to retrieve the elevating equipment from the Property, was heard on Tuesday, July 6, 2021 at 12:00 p.m., at 330 University Avenue, Toronto, Ontario, by Zoom video conference.

ON READING the Notice of Cross-Motion of Schindler, the Affidavit of William Brock sworn June 9, 2021 and exhibits thereto, the Responding Motion Record of the Laird Entities (as that term is defined in the motion materials) and on hearing the submissions of counsel for Schindler and counsel for the Laird Entities, and for the reasons set out in the Endorsement of Justice Pattillo dated July 15, 2021,

1. **THIS COURT ORDERS** that the service and time for service of Schindler's Motion Record and Notice of Cross-Motion and Notice of Return of Cross-Motion be, and the same are, hereby validated and abridged, such that notice of the Motion Record and Notice of Cross-Motion were properly returnable on the date of hearing.

2. **THIS COURT ORDERS AND DECLARES** that Schindler is and remains the sole owner of all right, title, and interest in all of the elevating equipment it delivered to the Property pursuant to Schindler's contract with Aztec Structural Restoration Inc. dated May 28, 2019, as described in the Affidavit of William Brock sworn June 9, 2021 in Schindler's Motion Record (the "**Elevating Equipment**").

3. **THIS COURT ORDERS** that the Elevating Equipment be and the same is, hereby excluded from the Agreement of Purchase and Sale to be completed between 33 Laird Inc., 33 Laird GP Inc., and 33 Laird Limited Partnership (collectively the "**Laird Entities**") as vendor and 33 Laird Development Inc. in its capacity as the general partner of 33 Laird Development Limited Partnership as purchaser (the "**Purchaser**"), in respect of the Property and chattels thereon, which sale transaction was approved by way of the Approval and Vesting Order of The Honourable Justice McEwen dated June 15, 2021.

4. **THIS COURT FURTHER ORDERS AND DECLARES** that Schindler is at liberty to retrieve all of the Elevating Equipment that remains on the Property or in the possession of the Purchaser on making arrangements for such retrieval acceptable to Schindler and the Purchaser, during regular business hours.

5. **THIS COURT ORDERS** that the Laird Entities pay to Schindler, its partial indemnity costs of the cross-motion fixed in the total amount of \$5,940.00, inclusive of fees, disbursements and HST, and payable forthwith.



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ACT*, AND 33 LAIRD LIMITED PARTNERSHIP, A
LIMITED PARTNERSHIP FORMED UNDER THE
ONTARIO *LIMITED PARTNERSHIPS ACT***

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SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

ORDER

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