

**ONTARIO
SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]**

THE HONOURABLE) WEDNESDAY, THE 22nd
)
JUSTICE CAVANAGH) DAY OF SEPTEMBER, 2021

B E T W E E N:

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**DUNDAS RETIREMENT PLACE INC., MAPLE RETIREMENT HOME INC. and
1059244 ONTARIO INC.**

Respondents

APPLICATION UNDER SUBSECTION 243(1) OF THE BANKRUPTCY AND
INSOLVENCY ACT, R.S.C. 1985, c. B-3, AS AMENDED, AND SECTION 101 OF
THE COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED

AMENDED & RESTATED ORDER
(Rectification of Title)

THIS MOTION, made by MNP Ltd., in its capacity as Court-appointed receiver (the “**Receiver**”), without security, of all of the assets, undertakings and properties of Dundas Retirement Place Inc., Maple Retirement Homes Inc. and 1059244 Ontario Inc. (collectively, the “**Debtors**”) for an order, *inter alia*, rectifying the register and directing the conversion to Land Titles Conversion Qualified of the real property known municipally as 33 Main Street, Dundas, Ontario and legally described as Lots 8, 9, 10 & Part Lot 11, Registrar’s Compiled Plan 1401, designated as Part 1 on Reference Plan 62R-14692, in the Town of Dundas, in the Regional

Municipality of Hamilton-Wentworth (the “**Property**”), was heard virtually by “Zoom” videoconference on this day in Toronto, Ontario.

ON READING the third report of the Receiver, dated August 26 2021 (the “**Third Report**”) and on hearing the submissions of counsel for the Receiver and counsel to such other parties as reflected in the attendance sheet, no one else appearing for any other person on the service list, although properly served as appears from the affidavits of Amanda Adamo, sworn August 26, 2021, filed:

1. **THIS COURT ORDERS** that order of the Honourable Justice Cavanagh made in these proceedings dated September 7, 2021 be and is hereby replaced in its entirety by this Order
2. **THIS COURT ORDERS** that (a) the Quit Claim Deed from Martin T. Jeremias and Harjer Corporation Limited (formerly Jerdun Investments Limited) registered on title to the Property on December 11, 1998 as Instrument No. VM243865 and (b) the Quit Claim Deed from the Estate of Wallace Culver Cattel registered on title to the Property on December 11, 1998 as Instrument No. VM243868, are sufficient to rectify the register so as to affirm that the whole of the Property, as described in the Transfer/Deed registered on title to the Property on September 2, 1998 in Instrument No. VM243010 (the “**Transfer Deed**”), was properly transferred by Elm Villa Retirement Homes Inc. (“**Elm Villa**”) to 1156564 Ontario Inc., now known as Dundas Retirement Place Inc. (“**Dundas**”).
3. **THIS COURT ORDERS** that, for greater certainty, the Transfer Deed and sale of the Property from Elm Villa to Dundas and the legal description of the Property as contained in the Transfer Deed, are hereby confirmed and validated.
4. **THIS COURT ORDERS** that any contravention of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, resulting from the Transfer Deed and sale of the Property from Elm Villa to Dundas or relating to those portions of the Property described in the Quit Claim Deeds referenced in Paragraph 2 of this Order are hereby rectified and validated.
5. **THIS COURT DECLARES** that Dundas now holds good and valid title to the Property as described in the Transfer Deed.

6. **THIS COURT ORDERS** that this order is effective from today's date and is enforceable without the need for entry and filing.

BUDUCHNIST CREDIT UNION LIMITED v. DUNDAS RETIREMENT PLACE INC., et al.

Applicant

Respondents

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R.S.C. 1985, c. B-3, AS AMENDED, AND SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O.
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Commercial List Court File No. CV-21-00661132-00CL

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Proceedings commenced at Hamilton

AMENDED & RESTATED ORDER
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