

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

THE HONOURABLE) TUESDAY, THE 7th
)
JUSTICE CAVANAGH) DAY OF SEPTEMEBR, 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

ORDER

(Conversion of Property to Land Titles Conversion Qualified)

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 (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**”).
2. **THIS COURT ORDERS** that, for greater certainty, the Transfer Deed and sale of the Property from Elm Villa Dundas and the legal description of the Property as contained in the Transfer Deed, are hereby confirmed and validated.
3. **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 1 of this Order are hereby rectified and validated.
4. **THIS COURT DECLARES** that Dundas now holds good and valid title to the Property as described in the Transfer Deed.

5. **THIS COURT ORDERS** that this order shall be good and sufficient evidence of ownership of the Property for the purposes of Section 32(1) of the *Land Titles Act*, R.S.O. 1990 c. 15 and **THIS COURT ORDERS AND DIRECTS** that:
- a. the receiver in the within proceedings register a copy of this Order against title to the Property; and
 - b. the Land Registrar for the Registry Division of the Land Registry Office for Wentworth (No. 62) Hamilton immediately convert the Property from “Registry” to “Land Titles Conversion Qualified”.
6. **THIS COURT ORDERS** that this order is effective from today’s date and is enforceable without the need for entry and filing.
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BUDUCHNIST CREDIT UNION LIMITED v. DUNDAS RETIREMENT PLACE INC., et al.

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Commercial List Court File No. CV-21-00661132-00CL

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SUPERIOR COURT OF JUSTICE
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Proceedings commenced at Hamilton

ORDER (*Conversion of Property to Land Titles
Conversion Qualified*)

LOOPSTRA NIXON LLP
135 Queens Plate Drive – Suite 600
Toronto, ON M9W 6V7

R. Graham Phoenix
Tel: (416) 748-4776
Fax: (416) 746-8319
Email: gphoenix@loonix.com

Lawyers for the Receiver