

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
MR. JUSTICE M. D. FAIETA)

MONDAY THE 6th
DAY OF JULY, 2020

BETWEEN:



PAUL INNIS

Approved as to form and content
Payne Law Professional Corporation
Counsel for the Plaintiff Plaintiff

- and -

CELESTINE BLACKETT

Defendant

JUDGMENT

THIS ACTION was heard on December 3, 4, 5 and 6, 2019, without a jury at the courthouse, 393 University Avenue, Toronto, Ontario, M5G 1E6, with the lawyers for all parties in attendance.

ON READING THE PLEADINGS AND HEARING THE EVIDENCE and the submissions of the lawyers for the parties,

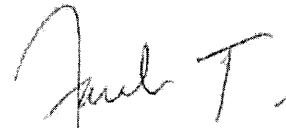
1. THIS COURT ORDERS AND ADJUDGES that the Plaintiff, Paul Inniss and the Defendant, Celestine Blackett, hold their interests in the property located at 470 Donlands Avenue, in the City of Toronto (the "Property") as tenants in common.

2. THIS COURT ORDERS AND ADJUDGES that the Plaintiff has a 10.17% ownership interest in the Property.
3. THIS COURT ORDERS AND ADJUDGES that the Defendant has an 89.83% ownership interest in the Property.
4. THIS COURT ORDERS AND ADJUDGES that the Property be sold pursuant to section 2 of the *Partition Act*, however the Defendant shall first be permitted to purchase the Plaintiff's interest at fair market value within 90 days.
5. THIS COURT ORDERS AND ADJUDGES that all necessary inquiries be made, accounts taken, costs assessed and steps taken by a case management master at the City of Toronto for the partition or sale, or for the partition of part and sale of the remainder, of the land described in the attached schedule in accordance with the interests of the parties entitled to share in it.
6. THIS COURT ORDERS AND ADJUDGES that the land, or such part of it as the referee thinks fit, be sold under the direction of the referee, free of the claims of encumbrancers, if any, who have consented to the sale, and subject to the claims of encumbrancers who have not consented to the sale, and that the purchaser pay the purchase money into court to the credit of this proceeding, subject to the order of the court.
7. THIS COURT ORDERS AND ADJUDGES that the referee execute a transfer for any party who is a minor.
8. THIS COURT ORDERS AND ADJUDGES that, if the land is partitioned or if part of the land is partitioned and the proceeds of the sale of the remainder are insufficient to pay the costs of the sale in full, the unpaid costs be paid by the parties according to their interests in the land.

9. THIS COURT ORDERS AND ADJUDGES that the Plaintiff shall pay to the Defendant the amount required to discharge the lien registered against the Property in respect of the Plaintiff's unpaid taxes within 90 days.

10. THIS COURT ORDERS AND ADJUDGES that the Defendant shall pay to the Plaintiff costs of \$35,000.00 inclusive of disbursements and taxes, within 30 days of June 1, 2021.

THIS JUDGMENT BEARS INTEREST at the rate of 2 per cent per year commencing on June 9, 2021.

A handwritten signature in cursive script, appearing to read "Paul T.", written over a horizontal line.

Signature of Justice

SCHEDULE "A"

DESCRIPTION OF PROPERTY

PROPERTY IDENTIFICATION NUMBER (PIN): 10380-0394(LT)

PCL 360-2 SEC M444; PT LT 360 SW/S DONLANDS AV PL M444 EAST YORK; PT LT 361 SW/S DONLANDS AV PL M444 EAST YORK COMM IN THE SLY LIMIT OF DONLANDS AV AT A POINT DISTANT 24 FT 11 1/4 INCHES MEASURED WLY ALONG THE SAID LIMIT FROM THE N ELY ANGLE OF LT 360; THENCE SLY IN A STRAIGHT LINE 68 FT 3 INCHES MORE OR LESS TO A POINT IN THE ELY LIMIT OF THE SAID LT DISTANT 36 FT 11 INCHES MEASURED NLY THEREALONG FROM THE S ELY ANGLE THEREOF; THENCE SLY IN A STRAIGHT LINE 38 FT 7 1/2 INCHES MORE OR LESS TO A POINT IN THE SLY LIMIT OF THE SAID LT, 7 FT MEASURED WLY THEREALONG FROM THE SOUTH ELY ANGLE THEREOF; THENCE ELY ALONG THE SLY LIMITS OF LT 360 361, 20 FT 3 1/2 INCHES MORE OR LESS TO A POINT DISTANT 21 FT 8 1/2 INCHES MEASURED WLY ALONG THE SLY LIMIT OF LT 361 FROM THE LIMIT BTN LOTS 361 AND 362; THENCE NLY IN A STRAIGHT LINE 62 FT 2 INCHES MORE OR LESS TO A POINT IN A LINE DRAWN PARALLEL TO THE WLY LIMIT OF LT 359 AS SHOWN ON THE SAID PLAN FROM A POINT IN THE NLY LIMIT OF LT 361 DISTANT 8 1/2 INCHES MEASURED ELY THEREALONG FROM THE N ELY ANGLE OF LT 360; WHICH POINT IS 39 FT 7 3/4 INCHES MEASURED SLY ALONG SAID PARALLEL LINE FROM A POINT IN THE NLY LIMIT OF LT 361 DISTANT 8 1/2 INCHES MEASURED ELY THEREALONG FROM THE N ELY ANGLE OF LT 360; THENCE NLY ALONG THE SAID PARALLEL LINE 39 FT 7 3/4 INCHES TO THE SAID POINT IN THE NLY LIMIT OF LT 361 DISTANT 8 1/2 INCHES MEASURED ELY THEREALONG FROM THE N ELY ANGLE OF LT 360; THENCE N WLY ALONG THE NLY LIMITS OF LOTS 361 AND 360 BEING THE S WLY LIMIT OF DONLANDS AV 25 FT 7 3/4 INCHES MORE OR LESS TO THE POB; T/W A ROW IN, OVER ALONG AND UPON THAT PART OF LT 360 WHICH IS DESCRIBED AS FOLLOWS: COMM AT A POINT IN THE SLY LIMIT OF DONLANDS AV 24 FT 11 1/4 INCHES MEASURED WLY THEREALONG FROM THE N ELY ANGLE THEREOF; THENCE SLY IN A STRAIGHT LINE 68 FT 3 INCHES MORE OR LESS TO A POINT IN THE ELY LIMIT OF THE SAID LT DISTANT 36 FT 11 INCHES MEASURED NLY THEREALONG FROM THE S ELY ANGLE THEREOF; THENCE WLY AND AT RIGHT ANGLES TO THE SAID STRAIGHT LINE 3 FT 6 INCHES; THENCE NLY PARALLEL TO THE SAID STRAIGHT LINE 68 FT 3 INCHES MORE OR LESS TO THE SLY LIMIT OF DONLANDS AV; THENCE ELY ALONG THE SLY LIMIT OF DONLANDS AV 3 FT 6 INCHES MORE OR LESS TO THE POB ; AND SUBJECT TO A ROW IN, OVER ALONG AND UPON THE WLY 3 FT 6 INCHES OF THESE LANDS MEASURED AT

RIGHT ANGLES TO THE WLY LIMIT OF THESE LANDS, AND EXTENDING SLY FROM THE SLY LIMIT OF DONLANDS AV A DISTANCE OF 68 FT 3 INCHES MORE OR LESS TO THE ELY LIMIT OF LT 360; PROVIDED THAT THE PROJECTIONS, IF ANY, OF THE EAVES, WINDOW SILLS CHIMNEY BREASTS AND DOWN PIPES OF THE HOUSE STANDING 30TH AUGUST 1932 UPON THE LANDS TO THE W OF THESE LANDS OR OF THE HOUSE TO BE ERECTED UPON THE WLY PORTION OF THESE LANDS, SHALL BE DEEMED NOT TO BE ENCROACHMENTS IN, OVER, ALONG OR UPON THE SAID ROW; PROVIDED, HOWEVER, THAT SUCH PROJECTIONS, IF ANY SHALL NOT UNREASONABLY RESTRICT OR HINDER THE USE OF THE SAID ROW; TORONTO , CITY OF TORONTO (the "Property");