

ONTARIO COURT OF APPEAL

THE HONOURABLE JUSTICE FAVREAU

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**THURSDAY, THE 8th
DAY OF
MAY 2025**

BETWEEN:

METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 1067

**RESPONDENT/RESPONDING PARTY
(Plaintiff)**

And

1388020 ONTARIO CORP.

**APPELLANT/MOVING PARTY
(Defendant)**

ORDER

THIS MOTION made by 1388020 Ontario Corp. (“BSA”), the Appellant in the present appeal, for an order pursuant to Rules 63.02 and 63.03 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 (“**Rules**”) as set out in the Notice of Motion dated March 26, 2025, with notice, was read on this day at the Court of Appeal for Ontario, 130 Queen Street West, Toronto ON M5H 2N5.

ON READING Motion Record, Supplementary Motion Record, and Factum filed by the Moving Party and the Motion Record and Factum filed by the Responding Party and on being advised the parties consented to the terms of this order;

1. **THIS COURT ORDERS** an interlocutory stay of the judgment of the Honourable Justice Merritt, dated February 03, 2025, including a stay of the Order for vacant



possession of ALL AND SINGULAR that certain parcel or tract of land and premises situated, lying and being in the City of Toronto, being Unit 9 to 16, Level 3, as shown on Metropolitan Toronto Condominium Plan No. 1067 registered at the Land Registry Office for the Land Titles Division of Toronto (No. 66) and its appurtenant common interest, the said unit and common interest together (the “Units”) to Metropolitan Toronto Condominium Corporation No. 1067 (“MTCC”):

Otherwise known as PIN Numbers:

12067-0220 – Unit 9, Level 3

12067-0221 – Unit 10, Level 3

12067-0222 – Unit 11, Level 3

12067-0223 – Unit 12, Level 3

12067-0224 – Unit 13, Level 3

12067-0225 – Unit 14, Level 3

12067-0226 – Unit 15, Level 3

12067-0227 – Unit 16, Level 3

2. **THIS COURT ORDERS** that if BSA defaults in the payment of the 2025 monthly Common Area Expenses (“CAE”), MTCC shall provide a written notice of such default via counsel. BSA shall then have the opportunity to make a replacement payment via certified cheque or bank draft for the defaulted amount within three (3) calendar days of receipt of the notice of default;

3. **THIS COURT ORDERS** that, in the event BSA fails and /or refuses to rectify the default within the period set out in paragraph 2 above, after receiving the written notice, MTCC shall be at liberty to bring a motion to quash the appeal;
4. **THIS COURT ORDERS** that the costs for the motion shall be reserved to the panel hearing the appeal.

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

8-MAY-2025

PER / PAR: MB



Court of Appeal for Ontario
Registrar
Marco Bonifaz

METRO POLITAN TORONTO
CONDOMINIUM CORPORATION NO. 0
Plaintiff/Respondent/Responding Party

and

88020 ONTARIO CORPORATION
Defendant/Appellant/Moving Party

Court of Appeal File No. M55940 (COA-25-CV-0286)

**COURT OF APPEAL FOR
ONTARIO**

ORDER

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