

@11 AM
ENDORSEMENT
ORDER

Court File Number: CV-20-00646084

Superior Court of Justice
Commercial List

AUG 26, 2020

FILE/DIRECTION/ORDER

RGN-National Business

Plaintiff(s)

Centers AND 22C

Defendant(s)

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- Order Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: _____
- Time Table approved (as follows):

① This motion was heard by
 videoconference due to the
 Covid-19 Crisis.

② I am satisfied that
 the Motion should be

Date

Judge's Signature

Additional Pages _____

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Judges Endorsment Continued

granted for the following
reasons.

③ Section 14-11 of the
Lease clearly implies
that the Landlord must
give the Tenant notice
of its intention to
terminate the Lease
due to the bankruptcy
of the indemnifier.

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Judges Endorsment Continued

Otherwise, 5. 14. 11
would be rendered
meaningless as the
Tenant could never
exercise its right to
cure the breach
within 5 days.

④ Despite Mr Anderson's
able submission, I
have concluded that

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Judges Endorsment Continued

The purported termination
of the lease by
the landlord cannot
stand without the
tenant being given
5 days to cure the
breach by the
indemnifier

(5) Even if I agreed
with the Anderson's

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Judges Endorsment Continued

interpretation of the
Lease, I would
still grant the Motion
based upon my jurisdiction
pursuant to s. 49 of
the CAA to protect the
Debtors' property.

⑥ The Motion is
granted on the terms
of the attached order.

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⑦ The order is effective today and does not have to be entered.

Haining J.

August 26, 2020