

Apr. 30/09.

Court File No. 09-CL-7960

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST
Proceeding commenced at TORONTO

LATE FILING
MOTION RECORD

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Asking leave to amend & in verifying
the motion. Record of an affidavit
that the relief sought in
the last order agreed
& the additional terms agreed
to between the Parties as
set out in the document
attached hereto - as they
and the Respondent's solicitor
appeared -
specifically approved to the
amendment of the Respondent
of para. 1 (d) (e) & (f) of
the Notice of motion. As
may be/09 @ 2:30. per /hs
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This Order is being made on the basis that it is without prejudice to any motion and relief to be sought by ORLANDO CORPORATION and ORION PROPERTIES LTD. (collectively, the "Landlords" as landlord of 6495 Tonken Road, Mississauga Ontario ("TONKEN"), including, without limitation any challenge to the Notice of Repudiation of Lease (the "NOTICE") relating to Tonken and served on the Landlords on April 29, 2009, or any claims for rent and damages under the lease of Tonken or otherwise (which proposed motion to be called, the "Landlord Motion"). As the Landlord Motion will be heard after May 6, 2009, the PARTIES agree that

(cont'd)

The Landlord Motion will be argued as if the subject Lease (q Tomken) has not been terminated, provided that in the event the Notice is found to be effective by this Court, then rent shall ~~accrue~~ ~~under~~ only accrue to the "effective date" set out in the Notice, being May 6/2009,