

May 13, 2014

By Order dated March 31, 2014, Chiappetta, J. ordered an administrator to be appointed on terms set out therein, with the selection of said administrator reserved to today's date. The Respondent has put forward [redacted] to fill that role; the Applicants submit that Thomas LePage should be appointed administrator. In my view, both gentlemen are amply qualified to fulfil the responsibilities of administrator. However, the evidence and submissions made by the Respondent's counsel satisfy me that [redacted] is the preferred choice in light of his Toronto location and local trade connections as well as his more extensive resources at his disposal which are needed to address and resolve the problems faced by this fairly large condominium complex. I am confident that [redacted] will observe the duties of honesty, good faith and even-handedness owed by him, as set out in York Condominium Corporation No. 42 v. Hashmi et. al, 2011 ONSC 2478 (S.C.J.), and will do everything possible to bring the unit holders together to improve the sense of community among them and to address and repair the issues which led to these proceedings.

Although counsel did not make oral submissions with respect to the term of appointment, that was left to be dealt with per Chiappetta, J.'s endorsement. I would expect that a term of 18 months would be reasonable and would reduce the number of required court attendances and associated expenses, but if any party wishes to submit a different length of term, he/she/it may do so in writing. In that same regard, the costs issues referred to in the Order of March 31, 2014 and any issue of costs arising out of today's attendance may be the subject of written submissions if same cannot be agreed upon. Such submissions from the Respondent may be delivered within 20 days of today's date, and by the applicants within 15 days thereafter.

Stewart, J.