

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
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)
JUSTICE CHALMERS) WEDNESDAY, THE 23RD
 DAY OF OCTOBER, 2024

B E T W E E N:

MANDIE EDDIE

Plaintiff/Judgment Creditor

- and -

ROBERT LEPP (aka BOB LEPP)

Defendant/Judgment Debtor

ORDER

THIS MOTION, made by the Plaintiff/Judgment Creditor, for an Order for equitable execution against a modular detached dwelling attached to a foundation (the "Real Chattel") owned by the Defendant/Judgment Debtor located on on the land lease rented site at Lot 91, 116 Tecumseth Pines Drive, Tottenham Ontario (the "Rental Unit") and related relief was heard virtually this day at the Ontario Superior Court of Justice.

ON READING the Motion Record and Factum of the Moving Party, and the Responding Record and Factum filed by Robert Lepp and the consent of Parkbridge Lifestyle Communities Inc,

1. **THIS COURT DIRECTS** that, having found that there is no reason why it would be unjust or inequitable to require the sale of the Real Chattel be sold by private contract, the Plaintiff/Judgment Creditor shall have exclusive conduct of the sale and may list the Real Chattel for sale with a licensed real estate agent and to do all things reasonably incidental thereto including paying to any real estate agent or broker that arranges a sale of the Real Chattel from the proceeds of the sale a commercially reasonable commission.

2. **THIS COURT DIRECTS** that the Plaintiff/Judgment Creditor, or agents authorized on her behalf, may sign any and all documents, listing agreements, offers, agreements of purchase and sale and any and all closing sale documents, including any registerable or unregisterable transfer of property, to give effect to, and that are necessary to, carry out the sale of the Real Chattel and the transfer and/or vesting of legal and beneficial ownership to the successful purchasers and to sign such documents as if the Plaintiff/Judgment Creditor were the Defendant/Judgment Debtor.

3. **THIS COURT GRANTS** leave to the Plaintiff/Judgment Creditor to enter into a contract of insurance to insure the Real Chattel from standard risks of peril including, but not limited to, fire, flood and vandalism.

4. **THIS COURT DIRECTS** that the Plaintiff/Judgment Creditor, or agents authorized on her behalf, may sign any and all documents, to give effect to an assignment of a transfer of the Lease between the Landlord landowner and the successful purchaser such assignment being subject to the terms of the Lease between Lepp and Parkbridge and the provisions of the *Residential Tenancies Act*, 2006, S.O. 2006, C17 that apply to assignments of land lease Rental Units from seller to purchaser, and the Landlord and to sign such documents as if the Plaintiff/Judgment Creditor were the Defendant/Judgment Debtor.

5. **THIS COURT DIRECTS** that the Real Chattel shall be listed on MLS for a period of no less than fourteen days at a price of \$575,000.00 with no offer submitted being accepted before the expiry of the fourteen day listing period.

6. **THIS COURT DIRECTS** that all costs of the sale, be payable by the Defendant/Judgment Debtor to the Plaintiff/Judgment Creditor from the proceeds of the sale.

7. **THIS COURT DIRECTS** that any offer received by the Plaintiff/Judgment Creditor shall be redacted to remove personal information about the purchasers and their agents and copied as soon as reasonably possible to the Defendant/Judgment Debtor and the Landlord.

8. **THIS COURT DIRECTS** that any party wishing to apply to me for acceptance of an offer in a summary or informal manner after giving notice to only the Plaintiff/Judgment Creditor, Defendant/Judgment Debtor and Landlord may do

so. Upon approval of an offer, the Plaintiff/Judgment Creditor may accept it and carry out the sale.

9. **THIS COURT GRANTS** vacant possession of the Real Chattel and the Rental Unit to the Plaintiff/Judgment Creditor effective January 15, 2025 and further grants the Plaintiff/Judgment Creditor leave to obtain a Writ of Possession enforceable immediately by the Sheriff of the County of Simcoe against the Defendant/Judgment Debtor should vacant possession not be provided by January 15, 2025.

10. **THIS COURT DIRECTS** that any person or persons in possession of the Real Chattel, including any tenant or tenants, forthwith and until further order of the court permit any duly authorized agent on behalf of the Plaintiff/Judgment Creditor to inspect, appraise or show to any prospective purchaser of the Real Chattel, including the interior of the Real Chattel, between 10:00 a.m. and 8:00 p.m. Monday through Sunday inclusive excluding statutory holidays and to evacuate the Real Chattel to allow such inspection, appraisal or showing for the duration of the inspection, appraisal or showing upon three hours notice of the same.

11. **THIS COURT DIRECTS** that the parties shall allow signs to be posted on the land upon which the Real Chattel is affixed for the duration of the period from when the Real Chattel is listed for sale until an Agreement of Purchase and Sale is accepted and the Real Chattel is transferred to the successful purchasers.

12. **THIS COURT DIRECTS** that within fourteen (14) days of receiving the sale proceeds the Plaintiff/Judgment Creditor will conduct an Execution search of Robert Lepp to ascertain what, if any, other amounts are owed by the Defendant/Judgment Debtor and will disburse the sale proceeds less the costs of the sale on a *pro rata* basis to the creditors of the Defendant/Judgment Debtor.

13. **THIS COURT ORDERS** costs of the motion for Equitable Execution in the amount of \$12,000.00 bearing interest pursuant to the Courts of Justice post-judgment rate payable by Robert Lepp to Mandie Eddie.

14. **THIS COURT ORDERS** costs of the appearance at the November 22, 2024 case conference in the amount of \$2,000.00 bearing interest pursuant to the Courts of Justice post-judgment rate payable by Robert Lepp to the Landlord landowner.



MANDIE EDDIE
Plaintiff/Judgment Creditor

- and -

ROBERT LEPP (aka BOB LEPP)
Defendant/Judgement Debtor

Court File No: CV-18-00608665-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

ORDER

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