

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE GLUSTEIN

)  
)  
)

MONDAY, THE 8TH  
DAY OF AUGUST, 2016  
(Signed August 9, 2016) B6

B E T W E E N:

(Court Seal)

**ROY O'NEILL and HELEN GOLDFARB**

Applicants

and

**YORK CONDOMINIUM CORPORATION NO. 74**

Respondent

**APPLICATION UNDER** Sections 134 and 135 of the *Condominium Act, 1998*, S.O. 1998, c. 19

**JUDGMENT**

**THIS APPLICATION**, made by the Applicants, Roy O'Neill and Helen Goldfarb, for an Order finding that the Requisition for a vote to remove specific directors at the Respondent's ("YCC 74") AGM is valid, amongst other relief, was heard this day at the Court House, located at Toronto, Ontario.

**ON READING** the Application Record, Supplementary Affidavit of Roy O'Neill, Factum and Book of Authorities of the Applicants, along with the Responding Record, Factum and Book of Authorities of the Respondent, and on hearing the submissions of the lawyer(s) for the parties, and without a determination on the validity of the Requisition as the parties have consented to paragraphs 1 and 3 below of the Judgment,

1. **THIS COURT ORDERS** that the business of the Requisition shall be added to the agenda of YCC 74's AGM and that the notice of the AGM shall be delivered within 45 days from the date of this Judgment, and delivered to all unit owners of the Respondent in accordance with section 47 of the *Condominium Act*. The business of the Requisition is a vote to remove the directors' positions held by the following directors: Jack Royt, Michela Alessi, and Evelyn Strong.
  
2. **THIS COURT ORDERS** that YCC 74 is hereby required to deliver to counsel for the Applicants, a current YCC 74 unit owner's list within seven (7) days from the date of this Judgment.
  
3. **THIS COURT ORDERS** that the AGM:
  - (a) The AGM shall be chaired by an independent, third party chairperson, namely Mr. Armand G. R. Conant of Shibley Righton LLP, the costs of which shall be borne 50% by YCC 74 and 50% by the Applicants;
  
  - (b) YCC 74 shall use, and the chairperson shall accept as valid, a form of proxy that reflects the updated agenda for the AGM, circulated by YCC 74, or any proxy which the validity of same shall be determined by the chairperson acting reasonably and that complies with the *Condominium Act*;
  
  - (c) The proxies are to be deposited with the property manager of the Respondent by 5 pm on the date of the AGM and counsel for the Requisitionists can be present at the time and place of the deposit of the proxies, including but not limited to, supervising the chain of custody of the proxies.

4. **THIS COURT DECLARES** that the chargeback letter issued by YCC 74's legal counsel to Ms. Goldfarb in the amount of \$1,171.92 is improper.
5. **THIS COURT ORDERS** that the \$1,171.92 paid under protest by Ms. Goldfarb to YCC 74 shall be returned to her legal counsel, in Trust, within 21 days of the date of this Judgment.
6. **THIS COURT ORDERS** no costs of this proceeding.

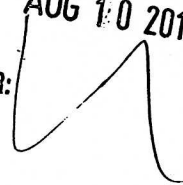


JUSTICE GLUSTEIN

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

AUG 10 2016

PER / PAR:



ROY O'NEILL et al.  
Applicants

-and-

YORK CONDOMINIUM CORPORATION NO. 74  
Respondent

Court File No. 16-CV-556487

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**PROCEEDING COMMENCED AT**  
**TORONTO**

**JUDGMENT**

**ELIA ASSOCIATES**  
**PROFESSIONAL CORPORATION**  
Barristers & Solicitors  
5141 Steeles Avenue West  
Toronto, ON M9L 1R5

**ANTONI CASALINUOVO**  
LSUC# 551760  
*acasalinuovo@elia.org*  
**VICTOR YEE**  
LSUC# 67985H  
*yvee@elia.org*

Tel: 416-446-0800  
Fax: 416-446-0804

Lawyers for the Applicants,  
Roy O'Neill and Helen Goldfarb

