



Court File No. 07 – CL – 7044

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

**THE HONOURABLE MR.  
JUSTICE MORAWETZ**

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)

**TUESDAY, THE 23<sup>rd</sup> DAY  
OF SEPTEMBER, 2008**

**IN THE MATTER OF AN APPLICATION UNDER SECTION 116(1) 6  
OF THE *SOCIAL HOUSING REFORM ACT, 2000, S.O. 2000, c. 27***

**AND SECTION 101 OF THE *COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43***

**BETWEEN:**

**THE REGIONAL MUNICIPALITY OF YORK**

Applicant

and

**THORNHILL GREEN CO-OPERATIVE HOMES INC.**

Respondent

**ORDER**

**(Leave to Commence an Application  
for Judicial Review in Divisional Court)**

**THIS MOTION**, made by the Respondent, Thornhill Green Co-Operative Homes Inc., by and through its Board of Directors (“Thornhill Green Co-op”), for leave to commence an application for judicial review of certain actions and decisions of The Regional Municipality of York was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion dated September 21, 2008 and on hearing the submissions of counsel for Thornhill Green Co-op, The Regional Municipality of York,

and Mintz & Partners Limited in its capacity as Court-appointed Receiver of Thornhill Green Co-operative Homes Inc. (the "Receiver");

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion dated September 21, 2008 and the Motion Record herein is hereby abridged so that this motion is properly returnable today and hereby dispenses with further service thereof.
  
2. **THIS COURT ORDERS** that Thornhill Green Co-op and the Co-operative Housing Federation of Canada ("CHF") are granted leave pursuant to paragraph 12 of the Order of the Honourable Madam Justice Pepall dated June 26, 2007 (the "Pepall Order"), to commence an application for judicial review of certain actions and decisions of The Regional Municipality of York regarding Thornhill Green Co-op, by issuing a Notice of Application for Judicial Review in the form found at Tab 2 of the moving parties' Motion Record in respect of a motion for an interlocutory injunction that was heard on July 18, 2008 (the "Judicial Review Proceedings"), which Notice of Application for Judicial Review is amended by Schedule "A" to a further Notice of Motion dated September 21, 2008.
  
3. **THIS COURT ORDERS** that paragraph 7(j) of the Pepall Order is varied, pursuant to paragraph 33 of that Order, only to the extent necessary to give effect to the provisions of this Order.
  
4. **THIS COURT ORDERS** that no provision of this Order shall prejudice the rights or positions that The Regional Municipality of York, Housing York Inc. or the Receiver may take in the Judicial Review Proceedings, the proceedings bearing Court File No. 07-CL-7044 or such further or other proceedings (collectively, the "Proceedings") with regard to the involvement of the CHF in such Proceedings.

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

SEP 23 2008

PER/PAR:  Joanne Nicoara  
Registrar, Superior Court of Justice

  
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**THE REGIONAL MUNICIPALITY OF YORK** v.  
Applicant

**THORNHILL GREEN CO-OPERATIVE HOMES INC.**  
Respondent

Court File No. 07 – CL – 7044

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**ORDER  
(Leave to Commence an Application for  
Judicial Review in Divisional Court)**

**KLIPPENSTEINS**  
Barristers and Solicitors  
160 John Street, Suite 300  
Toronto, Ontario  
M5V 2E5

**Murray Klippenstein, LSUC No. 26950G**  
**Basil Alexander, LSUC No. 50950H**  
Tel: (416) 598-0288  
Fax: (416) 598-9520

**Solicitors for the Respondent**