

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)	THURSDAY, THE 12TH DAY
)	
JUSTICE PATTILLO)	OF AUGUST, 2021

B E T W E E N :

ERNST & YOUNG INC., in its capacity as Court-Appointed Monitor
of Bondfield Construction Company Limited

Applicant

- and -

JOHN AQUINO, MARCO CARUSO, GIUSEPPE ANASTASIO a.k.a. JOE ANA,
LUCIA COCCIA a.k.a. LUCIA CANDERLE, THE ESTATE OF MICHAEL SOLANO,
GIOVANNI ANTHONY SIRACUSA a.k.a. JOHN SIRACUSA,
2483251 ONTARIO CORP. a.k.a. CLEARWAY HAULAGE,
2420595 ONTARIO LTD. a.k.a. STRADA HAULAGE, 2304288 ONTARIO INC.,
2466601 ONTARIO INC. a.k.a. MMC CONTRACTING,
2420570 ONTARIO LTD. a.k.a. MTEC CONSTRUCTION,
TIME PASSION, INC. and RCO GENERAL CONTRACTING LTD.

Respondents

ORDER

THIS MOTION, made by Cinzia Aquino also known as Cinzia Digirolamo for the discharge of a Mareva Order dated February 25, 2020 which was registered by the Applicant, Ernst & Young Inc., in its capacity as Court-Appointed Monitor of Bondfield Construction Company Limited (the **"Monitor"**), as Instrument No. AT5650174 against the title to the property municipally known as 9 Chieftain Crescent, Toronto, Ontario M2L 2H3 and further described in Schedule "A" hereto (the **"Chieftain Property"**) was heard this day by Zoom videoconference.

ON READING the Notice of Motion herein, the affidavits of Cinzia Aquino sworn August 9, 2021 and August 12, 2021 and the exhibits thereto and the Eleventh Supplement to the

Phase II Investigation Report of the Monitor dated August 10, 2021 and on hearing the submissions of counsel for Cinzia Aquino, John Aquino, KSV Restructuring Inc., as trustee in bankruptcy of 1033803 Ontario Inc. (among others), and the Monitor,

- 1 **THIS COURT ORDERS** that the *Mareva* injunction ordered by the Honourable Mr. Justice Hainey on February 25, 2020 and registered by the Applicant as Instrument No. AT5650174 on February 12, 2021, shall be discharged against the lands and premises legally described in Schedule "A" attached hereto concurrent with completion of the sale of those lands and premises pursuant to the Agreement of Purchase and Sale dated April 28, 2021 (the "**Sale**").

- 2 **THIS COURT ORDERS** that Minden Gross LLP shall hold the net proceeds of Sale of the Chieftain Property after payment of the amounts owing under the mortgage of HSBC Bank Canada registered against the Chieftain Property as Instrument Number: AT4041358, any agent's commissions owing by Cinzia Aquino in connection with the sale of the Chieftain Property and any other usual course obligations payable on closing (the "**Net Proceeds**") pending agreement of the parties or until further Order of the Court. Cinzia Aquino shall provide to the Monitor a statement of adjustments setting out the calculation of the Net Proceeds concurrent with completion of the Sale.

- 3 **THIS COURT ORDERS** that the motion shall be returnable on September 7, 2021 at 12:00 p.m., to be heard together with the Monitor's motion for leave to issue a Statement of Claim.



SCHEDULE "A"

PIN 10098-0656 (LT)

PARCEL 510-1, SECTION M866 LOT 510, PLAN 66M866 SUBJECT TO A77396 TWP OF YORK/NORTH YORK, CITY OF TORONTO

9 Chieftain Crescent, Toronto

ERNST & YOUNG INC., in its capacity as
Court-Appointed Monitor of Bondfield
Construction Company Limited
Applicant

and

JOHN AQUINO *et al.*
Respondents

Court File No: CV-19-630908-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

ORDER

MINDEN GROSS LLP

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