

ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE)
JUSTICE KARAM) FRIDAY, THE 19th
) DAY OF AUGUST, 2011.

BETWEEN:

NIPISSING CONDOMINIUM CORPORATION NO. 24

Applicant

- and -

JULIE-ANN SMRKE

Respondents

JUDGMENT


THIS APPLICATION, made by the Plaintiff for, inter alia, an Order, returning possession of the Condominium Unit and an Order allowing entry and remediation of a dangerous and oppressive condition and costs of remediation was heard this 19th day of August, 2011 at North Bay, Ontario.

ON READING THE Notice of Application, the Affidavit of Leslie Ann Farrow, Lucien Paul Delean, Wayne Gerald Gravelle all sworn May 25, 2011 and the affidavit of Ash Pedwell Sworn June 30, 2011, the Factum and Book of Authorities of the Applicant and on hearing the submissions of the lawyers for the Applicant, and on hearing submissions from the Respondent self represented,

1. **THIS COURT ORDERS AND ADJUDGES** possession of Unit 312, more particularly described in schedule "A" attached hereto, is returned to the Respondent Julie-Ann Smrke forthwith.
2. **THIS COURT ORDERS AND ADJUDGES** that the Applicant Nipissing Condominium Corporation No. 24 to be allowed to inspect Unit 312, more particularly described in Schedule "A" attached hereto, every month on 3 days notice to be left at the premises commencing on October 1, 2011.
3. **THIS COURT ORDERS AND ADJUDGES** that the Respondent Julie-Ann Smrke shall pay to Nipissing Condominium No. 24 the sum of \$6,664.82 for the remediation expenses incurred in fixing and repairing the Unit.
4. **THIS COURT ORDERS AND AJUDGES** costs for the Application, in addition to the amount included in paragraph 3 above, as a whole fixed in the amount of \$12,000.00, inclusive of disbursements, on a substantial indemnity basis.
5. **THIS COURT ORDERS AND ADJUDGES** that the necessity for approval as to form and content of this judgment by the Respondent is waived.



"Registrar"

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| ENTERED AT NORTH BAY |
| In Book No. 91 |
| On SEP 12 2011 |
| Document No. 9216-11 |
| By  |

SCHEDULE "A"

"Unit 12, Level 3, Nipissing Condominium Plan No. 24; PCL 17468 SEC WF:
Firstly: PT LT 21 CON D Widdifield; PT Lots 21 & 22 CON C Widdiefield;
Secondly: LT D PL 15 Widdifield Pt 2 36R7928; Thirdly: PT LT E PL 15
Widdifield PT 3, 4 36R7928; Fourthly: PT LT 22 CON C Widdifield PT 5 36R7928
and more fully described in Schedule "A" of Declaration LT300826; PIN 49824-
0042 (LT)".

Municipally Designated as: Unit 312 - 155 Timmins Street, North Bay, Ontario.

NIPissing CONDOMINIUM CORPORATION NO. 24
Applicant

JULIE-ANN SMRKE
Respondent

- and -

ONTARIO SUPERIOR COURT OF JUSTICE

PROCEEDINGS COMMENCED AT
NORTH BAY

JUDGMENT

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Our File No. 50972-003