

CITATION: Toronto Standard Condominium Corporation No. 1703 v. 1 King West
Inc., 2008 ONCA 484
DATE: 20080617
DOCKET: C48248

COURT OF APPEAL FOR ONTARIO

BORINS, MACPHERSON and GILLESE JJ.A.

BETWEEN:

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1703

Plaintiff (Appellant)

and

1 KING WEST INC., KING WEST DEVELOPMENTS INC., ELLISDON
CORPORATION, PROJECTCORE INC., STANFORD DOWNEY ARCHITECT INC.,
YOLLES PARTNERSHIP INC., CBM GROUP LTD., RAYMOND KWOK &
ASSOCIATES ENGINEERING LTD., and CITY OF TORONTO

Defendants (Respondents in Appeal)

Mark H. Arnold for the appellant

P.M. Conway for the respondents

Heard: June 13, 2008

On appeal from the judgment of Justice William P. Somers of the Superior Court of
Justice dated December 18, 2007.

APPEAL BOOK ENDORSEMENT

08 171 046

[1] The motion judge struck out several paragraphs of the pleading on the ground that the ruling of the Ontario Securities Commission, in respect to which the appellant sought a declaration of non-compliance, was not a contract as required by s. 23(1)(b) of the *Condominium Act*.

[2] In our view, he was correct. This is not a case where granting leave to amend would cure the deficiency in the pleading. Accordingly, the appeal is dismissed with costs in the amount of \$7,000.00 inclusive of disbursements and G.S.T.

2p