

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

THE HONOURABLE)
)
JUSTICE *Wilton-Siegel*)
)
BETWEEN:

THURSDAY, THE 14TH *AW*
DAY OF DECEMBER, 2018

ZEIFMAN PARTNERS INC.
IN ITS CAPACITY AS RECEIVER OF THE PROPERTY
KNOWN MUNICIPALLY AS 40 PARK LANE CIRCLE

Plaintiff

- and -

DAVID AIELLO

Defendant

JUDGMENT

THIS MOTION, made by the Plaintiff, Zeifman Partners Inc, in its capacity as Receiver of the Property known municipally as 40 Park Lane Circle (the "**Plaintiff**"), for judgment against the Defendant, David Aiello (the "**Defendant**") made without notice, was read on this day, at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record, including the Affidavit of Allan Rutman, sworn October 11, 2018, and the exhibits referred to therein, and the Supplementary Motion Record, including the Affidavit of Gregory R. Azeff, sworn December 6, 2018,

1. **THIS COURT ORDERS THAT** the Defendant shall pay to the Plaintiff the total sum of ~~\$5,313,377.34~~ *\$4,899,039.40* *AW*
~~\$5,922,257.93~~, being the principal amount of ~~\$5,460,439.40~~, together with pre-judgment interest in the sum of ~~\$461,818.53~~ *\$ 414,337.94* (the "**Damages Award**"). *AW*

2. **THIS COURT ORDERS THAT** the Defendant shall pay to the Plaintiff its costs of this action and this motion fixed in the sum of \$ 145,351.43, all inclusive (the "**Cost Award**").

3. **THIS COURT DECLARES THAT** the deposits paid by or on behalf of the Defendant to Gardiner Roberts LLP as "Deposit Holder" (the "**Deposit Holder**") in the amount of \$1,310,000, together with any interest thereon (the "**Deposit**") pursuant to the agreement of purchase and sale, dated November 26, 2013, in respect of the purchase of property municipally known as 40 Park Lane Circle, Toronto, Ontario, are hereby forfeited to the Plaintiff.

4. **THIS COURT DECLARES THAT** the Deposit Holder is authorized and directed to pay the Deposit, including any interest thereon, to the Plaintiff, which amount shall be credited as against the outstanding judgment owing by the Defendant to the Plaintiff.

THIS JUDGMENT BEARS INTEREST at the rate of 3% per year commencing on its date.

W. Han-Lin J.

ZEIFMAN PARTNERS INC.,
IN ITS CAPACITY AS RECEIVER OF THE PROPERTY
KNOWN MUNICIPALLY AS 40 PARK LANE CIRCLE

and DAVID AIELLO

Court File No.: CV-15-11148-00CL

Plaintiff

Defendant

**ONTARIO
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Proceeding commenced at Toronto

JUDGMENT

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