

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**



THE HONOURABLE)

TUESDAY, THE 18TH

JUSTICE MCEWEN)

DAY OF SEPTEMBER, 2018

BETWEEN :

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

Plaintiff

- and -

DAVID AIELLO

Defendant

ORDER

THIS MOTION, made by the Plaintiff for an Order striking the Statement of Defence of the Defendant, David Aiello, was heard this day at court house, 330 University Avenue, 8th Floor, Toronto, Ontario, M5G 1R7.

ON READING the Motion Record of the Plaintiff, and the Affidavits of Gregory R. Azeff sworn June 4, 2018, July 10, 2018 and September 5, 2018, and on hearing the submissions of the lawyer for Plaintiff, and no one appearing for the Defendant, although duly served as appears from the Affidavit of Service, filed,

1. **THIS COURT ORDERS** that service of the Notice of Motion and the Motion Record is hereby validated, and that further service thereof is hereby dispensed with.
2. **THIS COURT ORDERS** that the Statement of Defence of the Defendant, David Aiello, be and is hereby struck.

3. **THIS COURT ORDERS** that the Defendant, David Aiello, shall pay the Plaintiff its costs of this motion fixed in the amount of \$ 3,193.82TM within 30 days from the date of this Order.

THIS ORDER BEARS INTEREST at the rate of 2.0% per year commencing on October 18, 2018.



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

SEP 18 2018

PER / PAR:



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

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Proceeding commenced at Toronto

ORDER

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