



ONTARIO SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-23-00692987-00ES

DATE: August 8, 2024

NO. ON LIST: 3

TITLE OF PROCEEDING: **RICKETTS v. RICKETTS**

BEFORE JUSTICE: **GILMORE**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Kerry Ann Ebanks	Gary Ricketts	k.ebanks@mattiskelseyllp.ca

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Fred Tayar	Purphena Ricketts, Estate Trustee for the Estate of Vincent Ward Ricketts, and Purphena Ricketts in her Personal Capacity	fred@fredtayar.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE GILMORE:

1. The Applicant is the only biological child of the deceased Vincent Ricketts. His step-mother Purphena Ricketts was married to the deceased at the date of death.
2. The Applicant resides in Jamaica. The Respondent has applied for and obtained a Certificate of Appointment of Estate Trustee for the Estate of the deceased. The undisputed assets of the Estate are the deceased's home in Toronto and a cash account with a total value of approximately \$1.6M. There may be other assets of the Estate. The Respondent has agreed to provide additional disclosure related to those possible assets.
3. The Respondent has made a claim for a resulting/constructive trust in the assets of the Estate. The issue is whether her claim would reduce any entitlement of the Applicant to his share under an intestacy. I encouraged the parties to settle this matter and we discussed some possible scenarios. Once the total assets of the Estate have been ascertained counsel agreed to engage in further settlement discussions.
4. As a result of the Respondent's trust claim she can no longer act as Estate Trustee given the conflict. As such, the parties have agreed to appoint Mr. Alan Rutman of Zeifmans LLP to act as Estate Trustee During Litigation. Mr. Rutman consents to act. An approved Order was provided which I have signed and which is attached.

August 8, 2024

Justice C. Gilmore