

Court File No. 15-64526CP

DIVISIONAL COURT

BEFORE NORRHEIMER, STEWART & PATILLO, J.S.

DATE AUG 23 2017

DISPOSITION - ~~THIS APPEAL~~

APPLICATION ~~IS~~ *of leave to appeal is granted. The questions on the appeal are:*

- (1) Did the motion judge err in determining that a common issue was whether Theberge breached ss 72-74 and s. 133(2) of the Condominium Act?
- (2) Did the motion judge err in determining that a common issue was whether Theberge was liable for damage to the base of fraudulent misrepresentation for failing to provide a pool air heating system or a storage locker for each unit of the subclass?
- (3) Did the motion judge err in holding that a common issue for all class members was the legal effect of the "Re-entitlement"?
- (4) Did the motion judge err in finding that the real estate lawyers' advice would not be *(over)*

ONTARIO SUPERIOR COURT OF JUSTICE  
Proceeding commenced at OTTAWA

MOTION RECORD  
VOLUME I  
(Leave to Appeal)

ORDER, REASONS, FACTA

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relevant in carrying the views in the acton?

Cost of this matter fixed at \$5000 - all income to  
be depend of as directed by the panel during the  
period.

Realized:  
Tewart, J.  
W. H. J.