

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE	)	TUESDAY, THE 22ND DAY
	)	
JUSTICE J. STRIBOPOULOS	)	OF OCTOBER, 2024

B E T W E E N:

MERCADO CAPITAL CORPORATION

Plaintiff

- and -

2423865 ONTARIO INC. dba JK HUNT TRUCKLINES

-and-

TEJINDER SINGH KAHLON

-and-

ORANGEVILLE COLLISION REPAIR INC.

Defendants

ORDER

THIS MOTION made by the plaintiff, for judgment for possession of equipment, that the defendants Orangeville Collision Repair Inc. (“**Orangeville**”) is not entitled to a possessory or non-possessory lien encumbering the equipment and ancillary orders, was read this day by the Superior Court of Justice at 7755 Hurontario Street, Brampton, Ontario.

ON READING the Motion Record and Factum of the Plaintiff, Responding Record and Factum of the defendant, Orangeville, and reading the consent of the Plaintiff and the defendant, Orangeville, filed:

1. **THIS COURT ORDERS THAT** the Plaintiff and its bailiff, D. McWilliams & Associates Inc. and/or its agents and assistant bailiffs (collectively, the “**Bailiff**”) are entitled to possession of the Equipment.

2. **AND THIS COURT ORDERS THAT** under section 23(d) of the *Repair and Storage Liens Act* (the “**RSLA**”) that the Defendant, Orangeville, is not entitled to a possessory or non-possessory lien encumbering the Equipment under the RSLA.

3. **AND THIS COURT ORDERS THAT** Orangeville shall release and deliver up possession of the Equipment to the Plaintiff or its Bailiff, or as the Plaintiff may otherwise direct.

4. **AND THIS COURT ORDERS THAT** the Bailiff may enter upon the real property known as 580 Riddell Road, Orangeville, ON L9W 5E3 or any other real property (whether or not access from a public highway has been restricted) where the Bailiff has reason to believe that the Equipment may be located in order to take possession of the Equipment and to remove the Equipment into the care and keeping of the Bailiff.

5. **AND THIS COURT ORDERS THAT** each of the Plaintiff and the Bailiff may use any means necessary to obtain possession of the Equipment including, where necessary, utilizing the assistance of any one or more law enforcement agency in obtaining possession of the Equipment.

6. **AND THIS COURT ORDERS THAT** the Defendant, Orangeville, shall furnish the Plaintiff and the Bailiff with particulars as to the whereabouts of the Equipment and requiring the Defendant, Orangeville, to cooperate fully with the Plaintiff and with the Bailiff in their enforcement of the Order emanating from paragraphs 1 – 5 above.

7. **AND THIS COURT ORDERS THAT** any and all enforcement processes and other remedies taken, or that may be taken, by any RSLA claimants against and in respect to the Equipment shall be stayed and suspended.

8. **AND THIS COURT ORDERS THAT** the financing statement registered under the Repair and Storage Liens Act by the Defendant, Orangeville, listing the Equipment as part of the collateral encumbered by such registration, is vacated and have no force and effect.

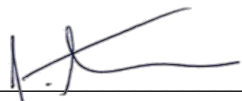
9. **AND THIS COURT ORDERS THAT** the Defendant, Orangeville, shall forthwith register a financing change statement to discharge the financing statement that it registered with respect to the Equipment.

10. **AND THIS COURT ORDERS THAT** the Registrar responsible for PPSA and RSLA registrations is authorized and directed to discharge this financing statement without further formality and without a discharge statement being executed by Orangeville.

11. **AND THIS COURT ORDERS THAT** there shall be no order for costs of this motion.

12. **AND THIS COURT ORDERS THAT** nothing in this Order shall impact the Defendant, Orangeville's, ability to pursue any claim that they may have against any one or more of the other defendants, being 2423865 Ontario Inc. dba JK Hunt Trucklines and Tejinder Singh Kahlon.

13. **AND THIS COURT ORDERS THAT** this Order shall take effect without any formality whatsoever.



Justice J. Stribopoulos

MERCADO CAPITAL CORPORATION - and - 2423865 ONTARIO INC. DBA JK HUNT TRUCKLINES et al

Plaintiff

Defendants

Court File No. CV-23-00705229-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Brampton

ORDER

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