

NEWSLETTER No. 7

Dated: (October 1st, 2007)

Under *The Class Proceeding Act of Ontario.*

TO: Purchasers of a condominium development known as The Residence at Beauclair, York Region Standard condominium Corporation No. 974, 745 New Westminister, Thornhill (“YRSCC No. 974”).

The first round of examinations for discovery have been completed. There were dozens of questions which the Defendants refused to answer. A motion was brought seeking a Court Order for the Defendants to answer the questions and to produce the documents requested.

The first day of the hearing of the motion was held on September 11th, 2007. The initial decision on the refusals argued to date can be read by accessing the link to Master Brots' decision found at www.landymarr.com. The rest of the motion will be heard in February 2008. We will continue to press the Defendants for documents and answers to the questions. There will be a second round of examinations for discoveries in 2008.

These delays are frustrating, but are “normal defence strategy”. The delays have also been encountered because of a lack of available Court time.

We will continue to press the Defendants to push the action forward as quickly as possible.

You can also access information on the file and newsletters by visiting our website at: www.landymarr.com.

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