

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) Wednesday, July 10, 2024
JUSTICE K. E. CULLIN)

B E T W E E N:

2089322 ONTARIO CORPORATION

Applicant

- and -

LUC W. DES ROCHES, NICOLE L. DES ROCHES
and REZMART GAS AND TOBACCO

Respondents

JUDGEMENT

ON APPLICATION heard September 27-28, 2021, October 4-5, 2021, November 1-2, 2021, December 2-3, 2021, April 26, 2022 and January 8, 2024 at Parry Sound, Ontario, in part by personal attendance and in part by Zoom video conference.

UPON **READING** the Facta of the parties and hearing the submissions by counsel for the parties,

- a. **THIS COURT ORDERS** that 2089322 Ontario Corporation shall have permanent and exclusive possession and control of the business known as Rezmart Gas and Tobacco (“**the Business**”) presently located on Parry Island at 3371 Deemeemguk Rd, Parry Sound, Ontario, and all assets of the Business.”
- b. **THIS COURT ORDERS** that Luc W. Des Roches shall provide his full and complete co-operation in transferring the Business and its assets to the applicant.

- c. **THIS COURT ORDERS** that the applicant may either operate, sell, or wind up the Business as it deems appropriate, in accordance with the terms of the original, authentic Joint Venture Agreement between the parties dated February 3, 2006.

- d. **THIS COURT ORDERS** that nothing in this Judgment shall be deemed to bind the Wasauksing First Nation in its management and administration of any reserve lands under its jurisdiction.

- e. **THIS COURT ORDERS** that either party may, through a written request directed to the attention of the Local Administrative Judge at Parry Sound, ask that a reference be directed pursuant to Rule 54.02 of the Rules of Civil Procedure, relating to the taking of accounts, sale, or winding up of the Business, or any other issue with respect to the enforcement of this Judgment.

- f. **THIS COURT ORDERS** that should the parties be unable to agree upon the issue of costs, they may make written submission within (45) days of the date of this Judgment.



(Signature of Judge)

Justice K. E. Cullin

BETWEEN:

2089322 ONTARIO CORPORATION

Applicant

LUC W. DES ROCHES

Respondent

Court file no. CV - 2007 201

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Parry Sound

JUDGEMENT

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