

Index

Abandonment of property

Graham v. 10 Tecumseh Ave. West Inc., 237

Additional rent

Ernest G. Tannis Professional Corporation v. Clyde Corners Inc., 168

Imperio Banquet Hall v. Gold Line Conversions Ltd., 33-34

L'ouvrier Inc. v. Leung, 183-187

Taragar Holdings Ltd. v. Zaidman, 66-68

The Garage Grill Inc. v. 2517532 Ontario Inc., 151-153

1127776 Ontario Ltd. v. Deciem Inc., 165-167

1521141 Ontario Ltd. v. Upper Oakville Shopping Centre Limited, 102-105

1877352 Ontario Inc. v. 699147 Ontario Inc., 118-120

2373322 Ontario Inc. v. Nolis, 167

4439155 Canada Inc. v. Albert Tower Inc., 251-253

Anticipatory breach

Canada Mortgage and Housing Corporation v. CMC Medical Centre Inc., 3

Markham Village Shoppes Limited v. Gino's Pizza Ltd., 1-2

Morguard Corporation v. 6753060 Canada Inc., 2-3

Penretail Management Ltd. v. 2380462 Ontario Inc., 4-5

Trevisan v. Lawhead, 5-7

Assignment and subletting

H. De Groot Real Estate v. Scribes Inc., 17-18

Smiles First Corporation v. 2377087 Ontario Limited (International Union of Painters), 14-16

Smith v. 2249778 Ontario Inc., 245-247

1173928 Ontario Inc. v. 1463096 Ontario Inc., 45-48

1550988 Ontario Ltd. v. Burnford Realty Ltd., 9-11

2129152 Ontario Inc. v. Pliamm et al., 121-123

2197088 Ontario Limited v. Cadogan Corporation, 11-14

Bona fide purchaser for value without notice of lease

Little Shoe Palace v. Pelmark Developments Ltd., 78-83

Breach

H. De Groot Real Estate v. Scribes Inc., 17-18
L'ouvrier Inc. v. Leung, 183-187
Mom's Tattoo Shop v. Dash Realty Partnership, 18-21
Northridge Property Management Inc. v. Champion Products Corp., 145-147
Pickering Square Inc. v. Trillium College Inc., 158-160
V Hazelton Limited v. Perfect Smile Dental Inc., 196-198
Vista Sudbury Hotel Inc. v. The Oshawa Group Limited, 153-156
Wittington Properties Ltd. v. GoodLife Fitness Centres Inc., 198-200
Yami Talk Catering Management Ltd. v. 2309603 Ontario Inc., 21-22
2292142 Ontario Inc. v. Bordin Racing Ltd., 123-125
772067 Ontario Ltd. v. Victoria Strong Manufacturing Corp., 127-129
7Marli Ltd. v. Pet Valu Canada Inc., 48-49

Building Code Act, 1992 violations, liability for

R. v. Ashley Developments Ltd., 147-149

Carefree net lease

The Garage Grill Inc. v. 2517532 Ontario Inc., 151-153

Common area expenses

Metropolitan Toronto Condominium Corporation No. 596 v. Best View Dining Ltd., 142-145

Conditions in agreement to lease, failure to waive

Crossview Developments Inc. v. 22624443 Ontario Ltd., 73-75

Covenant to insure

Austeville Properties Ltd. v. Josan, 25-28
Canadian Language Leadership Centre - CLCC Inc. v. 20 Eglinton Commercial Centre Inc., 28-30
Deslaurier Custom Cabinets Inc. v. 1728106 Ontario Inc., 30-33
D.L.G. & Associates Ltd. v. Minto Properties Inc., 133-136
Royal Host GP Inc. v. 1842259 Ontario Ltd., 39-41

Covenant to repair

Lundy's Regency Arms Corp. v. Niagara Hospitality Hotels Inc., 137-140

Damage and destruction

Austeville Properties Ltd. v. Josan, 25-28
Canadian Language Leadership Centre - CLCC Inc. v. 20 Eglinton Commercial Centre Inc., 28-30
Deslaurier Custom Cabinets Inc. v. 1728106 Ontario Inc., 30-33

Damage and destruction — *continued*

- Imperio Banquet Hall v. Gold Line Conversions Ltd.*, 33-34
James Dick Construction Ltd. v. Courtice Auto Wreckers Ltd., 34-35
Orion Interiors Inc. v. State Farm Fire and Casualty Co., 36-38
Royal Host GP Inc. v. 1842259 Ontario Ltd., 39-41
Youn v. 1427062 Alberta Ltd., 41-43
244981 Ontario Inc. v. Intact Insurance Co., 23-25

Damages

- Boyce v. Labelle; Walter Boyce v. Carrie Labelle o/a Herbal Magic of Cornwall*, 55-57
Duan v. Hussain, 50-52
Graham v. 10 Tecumseh Ave. West Inc. 237
L'ouvrier Inc. v. Leung, 183-187
Saramia Crescent General Partner Inc. v. Delco Wire and Cable Limited, 52-55
1173928 Ontario Inc. v. 1463096 Ontario Inc., 45-48
1465152 Ontario Ltd. v. Amexon Development Inc., 99-101
1694879 Ontario Inc. v. Krilavicius, 59-62
2105582 Ontario Ltd. (Performance Plus Golf Academy) v. 375445 Ontario Limited (Hydeaway Golf Club), 85-87
7Marli Ltd. v. Pet Valu Canada Inc., 48-49

Distress

- Lakehead Roofing & Metal Cladding Ltd. v. 1304808 Ontario Inc.*, 64-65
Taragar Holdings Ltd. v. Zaidman, 66-68
1694879 Ontario Inc. v. Krilavicius, 59-62
1741347 Ontario Inc. v. 1572482 Ontario Inc., 62-64
2105582 Ontario Ltd. (Performance Plus Golf Academy) v. 375445 Ontario Limited (Hydeaway Golf Club), 85-87

Doctrine of corporate identification

- Austeville Properties Ltd. v. Josan*, 25-28

Easements

- Enviro Park Solar Ltd. v. Nissa Corporation*, 69-71

Entire agreement clause

- Bayer Inc. v. Belfield Investment Corp.*, 209-211
D.L.G. & Associates Ltd. v. Minto Properties Inc., 133-136
Little Shoe Palace v. Pelmark Developments Ltd., 78-83
Vista Sudbury Hotel Inc. v. The Oshawa Group Limited, 153-156

Estoppel

Brownlee v. Kashin, 203-206

Crossview Developments Inc. v. 22624443 Ontario Ltd., 73-75

Feng v. Chen, 75-78

Little Shoe Palace v. Pelmark Developments Ltd., 78-83

Vista Sudbury Hotel Inc. v. The Oshawa Group Limited, 153-156

Exclusive right to use leased premises

Yami Talk Catering Management Ltd. v. 2309603 Ontario Inc., 21-22

Exculpatory clause

Orion Interiors Inc. v. State Farm Fire and Casualty Co., 36-38

Fixtures

Scott v. Filipovic, 87-88

2105582 Ontario Ltd. (Performance Plus Golf Academy) v. 375445 Ontario Limited (Hydeaway Golf Club), 85-87

Forfeiture, relief from

Dragona Carpet Supplies Ltd. v. Earl O'Neil Electric Supply Ltd., 220-222

Kassiouris v. Kalantzis, 178-180

Purenergy Wellness Lofts Corporation v. Home Trust Company, 239-242

Roxville Investments Limited v. Manahree Inc., 191-195

Smiles First Corporation v. 2377087 Ontario Limited (International Union of Painters), 14-16

Velouté Catering Inc. v. Bernardo, 222-224

2536715 Ontario Inc. v. 9522158 Canada Inc., 219-220

Fraudulent removal of goods and chattels

1694879 Ontario Inc. v. Krilavicius, 59-62

Good faith

McLaughlin v. Canadian Service Management Inc., 89-91

Indemnification

Jung v. Cloverdale Mall Inc., 93-95

Parc Downsview Park Inc. v. Penguin Properties Inc., 95-98

Injunction

Bloor Street Diner Ltd. v. Manufacturers Life Insurance Co., 217-218

Ezmony Tario Inc. v. 7724934 Canada Inc., 110-112

Osteria Da Luca Inc. v. 1850546 Ontario Inc., 206-208

1465152 Ontario Ltd. v. Amexon Development Inc., 99-101

Injunction — *continued*

- 1521141 Ontario Ltd. v. Upper Oakville Shopping Centre Limited*, 102-105
1960529 Ontario Inc. v. 2077570 Ontario Inc., 229-231
2184472 Ontario Inc. v. 1637601 Ontario Ltd., 105-106
2198572 Ontario Inc. v. First Land (Overlea) Ltd., 106-109
2432714 Ontario Inc. v. Heffner Development Group Limited, 109-110

Interpretation

- Cass v. 1410088 Ontario Inc.*, 129-132
D.L.G. & Associates Ltd. v. Minto Properties Inc., 133-136
Fenwick v. Hotel Belvedere Inc., 136-137
Lundy's Regency Arms Corp. v. Niagara Hospitality Hotels Inc., 137-140
Marsh Canada Limited v. Centennial Plumbing and Heating Limited, 140-142
Metropolitan Toronto Condominium Corporation No. 596 v. Best View Dining Ltd., 142-145
Northridge Property Management Inc. v. Champion Products Corp., 145-147
R. v. Ashley Developments Ltd., 147-149
Sorbam Investments Ltd. v. Litwack Estate, 150-151
The Garage Grill Inc. v. 2517532 Ontario Inc., 151-153
Vista Sudbury Hotel Inc. v. The Oshawa Group Limited, 153-156
1079268 Ontario Inc. v. GoodLife Fitness Centres Inc., 113-115
1550988 Ontario Limited v. Burnford Realty Limited, 116-118
1877352 Ontario Inc. v. 699147 Ontario Inc., 118-120
2129152 Ontario Inc. v. Pliamm et al., 121-123
2292142 Ontario Inc. v. Bordin Racing Ltd., 123-125
743133 Ontario Inc. v. Upper Canada District School Board, 125-126
772067 Ontario Ltd. v. Victoria Strong Manufacturing Corp., 127-129

Lease unsigned

- Duan v. Hussain*, 50-52

Limitation of liability clause

- Marsh Canada Limited v. Centennial Plumbing and Heating Limited*, 140-142

Limitation periods

- Hunter-Rutland Inc. v. Huntsville (Town)*, 157
Pickering Square Inc. v. Trillium College Inc., 158-160
Sterling Waterhouse Inc. v. LMC Endocrinology Centres (Toronto), 160-163

Lock-out by landlord

- Duan v. Hussain*, 50-52
Little Shoe Palace v. Pelmark Developments Ltd., 78-83

Misrepresentation by landlord

D.L.G. & Associates Ltd. v. Minto Properties Inc., 133-136

Mom's Tattoo Shop v. Dash Realty Partnership, 18-21

Mitigation

Boyce v. Labelle; Walter Boyce v. Carrie Labelle o/a Herbal Magic of Cornwall, 55-57

Northridge Property Management Inc. v. Champion Products Corp., 145-147

Negligence of tenant

James Dick Construction Ltd. v. Courtice Auto Wreckers Ltd., 34-35

Sorbam Investments Ltd. v. Litwack Estate, 150-151

Occupier's liability

Cass v. 1410088 Ontario Inc., 129-132

Offer to lease

Northridge Property Management Inc. v. Champion Products Corp., 145-147

Operating costs

Ernest G. Tannis Professional Corporation v. Clyde Corners Inc., 168

1127776 Ontario Ltd. v. Deciem Inc., 165-167

2373322 Ontario Inc. v. Nolis, 167

Option to purchase

Celadon Canada, Inc. v. Hoss Cartage & Distribution Systems Inc., 172-176

McLaughlin v. Canadian Service Management Inc., 89-91

101060873 Saskatchewan Ltd. v. Saskatoon Open Door Society Inc., 169-171

Option to renew

Kassiouris v. Kalantzis, 178-180

Klub Kave Inc. v. 2330147 Ontario Inc., 180-183

L'ouvrier Inc. v. Leung, 183-187

Mapleview-Veterans Drive Investments Inc. v. Papa Kerollus VI Inc., 187-189

North Elgin Centre Inc. v. McDonald's Restaurants of Canada Limited, 189-191

Roxville Investments Limited v. Manahree Inc., 191-195

The Garage Grill Inc. v. 2517532 Ontario Inc., 151-153

V Hazelton Limited v. Perfect Smile Dental Inc., 196-198

Velouté Catering Inc. v. Bernardo, 222-224

Wittington Properties Ltd. v. GoodLife Fitness Centres Inc., 198-200

1251614 Ontario Ltd. v. Gurudutt Inc., 177-178

1521141 Ontario Ltd. v. Upper Oakville Shopping Centre Limited, 102-105

Oral agreement

Brownlee v. Kashin, 203-206

Osteria Da Luca Inc. v. 1850546 Ontario Inc., 206-208

2249740 Ontario Inc. v. Morguard Elgin Ltd., 201-203

Overholding

Bayer Inc. v. Belfield Investment Corp., 209-211

Dourada Investment Inc. v. V. Melfi Holding Ltd., 212-214

Privity of contract

Cass v. 1410088 Ontario Inc., 129-132

2129152 Ontario Inc. v. Pliamm et al., 121-123

Property taxes

St. Joseph (Township) v. Rowe, 215-216

Proportionate share of operating costs

1877352 Ontario Inc. v. 699147 Ontario Inc., 118-120

Quiet enjoyment

Bloor Street Diner Ltd. v. Manufacturers Life Insurance Co., 217-218

Rectification

Roxville Investments Limited v. Manahree Inc., 191-195

1550988 Ontario Ltd. v. Burnford Realty Ltd., 9-1, 116-118

Relief from forfeiture. See Forfeiture, relief from**Rent, failure to pay**

Canada Mortgage and Housing Corporation v. CMC Medical Centre Inc., 3

Morguard Corporation v. 6753060 Canada Inc., 2-3

Taragar Holdings Ltd. v. Zaidman, 66-68

Rent, claim for future

Parc Downsview Park Inc. v. Penguin Properties Inc., 95-98

Trevisan v. Lawhead, 5-7

Repudiation of lease

Boyce v. Labelle; Walter Boyce v. Carrie Labelle o/a Herbal Magic of Cornwall, 55-57

Markham Village Shoppes Limited v. Gino's Pizza Ltd., 1-2

Saramia Crescent General Partner Inc. v. Delco Wire and Cable Limited, 52-

55

Repudiation of lease — *continued*

Stearman v. Powers, 247-249

Rescission

Mom's Tattoo Shop v. Dash Realty Partnership, 18-21

Restrictive covenants

Ezmony Tario Inc. v. 7724934 Canada Inc., 110-112

1575573 Ontario Inc. v. Armaiti Inc., 225-227

2432714 Ontario Inc. v. Heffner Development Group Limited, 109-110

Right of first refusal

1960529 Ontario Inc. v. 2077570 Ontario Inc., 229-231

Right of re-entry

772067 Ontario Ltd. v. Victoria Strong Manufacturing Corp., 127-129

Risk allocation

Deslaurier Custom Cabinets Inc. v. 1728106 Ontario Inc., 30-33

Imperio Banquet Hall v. Gold Line Conversions Ltd., 33-34

Marsh Canada Limited v. Centennial Plumbing and Heating Limited, 140-142

Orion Interiors Inc. v. State Farm Fire and Casualty Co., 36-38

Security deposit

Super A Hotels Investment and Management Group (Canada) Inc. v. 1205723 Ontario Inc., 233-235

Site servicing

2198572 Ontario Inc. v. First Land (Overlea) Ltd., 106-109

Specific performance

Bloor Street Diner Ltd. v. Manufacturers Life Insurance Co., 217-218

Crossview Developments Inc. v. 22624443 Ontario Ltd., 73-75

McLaughlin v. Canadian Service Management Inc., 89-91

101060873 Saskatchewan Ltd. v. Saskatoon Open Door Society Inc., 169-171

Statute of Frauds

Little Shoe Palace v. Pelmark Developments Ltd., 78-83

Subletting. See Assignment and subletting**Subrogation**

Orion Interiors Inc. v. State Farm Fire and Casualty Co., 36-38

Subrogation — *continued*

Royal Host GP Inc. v. 1842259 Ontario Ltd., 39-41

Termination

Graham v. 10 Tecumseh Ave. West Inc., 237

Jay-Pee Drycleaners Inc. v. 2321324 Ontario Inc., 238-239

Purenergy Wellness Lofts Corporation v. Home Trust Company, 239-242

Rami and Nina Holdings Ltd. v. Xu, 242-245

Smith v. 2249778 Ontario Inc., 245-247

Stearman v. Powers, 247-249

244981 Ontario Inc. v. Intact Insurance Co., 23-25

4439155 Canada Inc. v. Albert Tower Inc., 251-253

743133 Ontario Inc. v. Upper Canada District School Board, 125-126

Third-party liability

Cass v. 1410088 Ontario Inc., 129-132

Waiver

Bayer Inc. v. Belfield Investment Corp., 209-211

North Elgin Centre Inc. v. McDonald's Restaurants of Canada Limited, 189-191

4439155 Canada Inc. v. Albert Tower Inc., 251-253