

FILE NO. CI 11-01-72776

**THE QUEEN'S BENCH
WINNIPEG CENTRE**

BETWEEN:

THE TOWN OF MORRIS,

Applicant,

- and -

RAYMOND ALFRED SHAW,

Respondent.

Application Pursuant to: *The Municipal Act R.S.M. 1987, c. M225 and amendments thereto*

CONSENT ORDER

**GAVIN WOOD LAW OFFICE
BARRISTER, SOLICITOR & NOTARY
3 - 430 RIVER AVENUE
WINNIPEG, MANITOBA
R3L 0C6**

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File No.: 11-7209/GW

(Solicitor for the Applicant)

FILE NO. CI 11-01-72776

**THE QUEEN'S BENCH
WINNIPEG CENTRE**

HONOURABLE)
JUSTICE *Simonsen*) Thursday the 22nd day of December 2011

BETWEEN:

THE TOWN OF MORRIS,

Applicant,

- and -

RAYMOND ALFRED SHAW,

Respondent.

ORDER

THIS MOTION, made by the Applicant for an Order, *inter alia*, that the Respondent forthwith deliver up possession to the Applicant of the premises known as 118 Main Street, in the Town of Morris, in Manitoba.

ON READING the affidavit of Brigette Doerksen June 20, 2011; the affidavit of Edwin Penner sworn June 20, 2011; the affidavit of Raymond Shaw affirmed July 22, 2011; the further affidavit of Raymond Shaw affirmed July 22, 2011; the affidavit of Raymond Shaw affirmed August 2, 2011; the affidavit of Raymond Shaw affirmed August 16, 2011; the further affidavit of Raymond Shaw affirmed August 16, 2011; supplemental affidavit of Brigette Doerksen sworn September 2, 2011; the affidavit of Gavin Van Der Linde, sworn September 2, 2011; affidavit of Trevor Thiessen sworn

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September 2, 2011; affidavit of Bruce Third, sworn September 3, 2011; affidavit of William Ginter, sworn September 3, 2011; and the affidavit of Bruce Gregory, sworn September 6, 2011:

1. THIS COURT ORDERS that the Respondent deliver up on January 15, 2012, possession to the Applicant of the land and improvements on the land, including all buildings, known as 118 Main Street, in the Town of Morris, Manitoba (hereinafter referred to as "the Property"), and legally described as:

Lot 44 and S ½ of Lot 45 Plan 8 WLTO (MO Div) exc. thereout all mines and Minerals vested in the Crown (Manitoba) by The Real Property Act in RL 337, 339, 341, 343 Parish of Ste. Agathe.
2. THIS COURT ORDERS that the Respondent deliver to the Applicant all keys to the Property.
3. THIS COURT ORDERS that if the Respondent fails to deliver vacant possession in accordance with paragraphs 1. and 2. above, leave is hereby granted to the Applicant to enter and take possession of the Property with the assistance of the Sherrif.
4. THIS COURT ORDERS that the Applicant, upon entering and taking possession of the Property, hereby is permitted to change the locks.

- 5. THIS COURT ORDERS that the Applicant, upon entering and taking possession of the Property, may take an inventory of any and all of the Respondent's, or other personal effects, located on the Property and may make arrangements to remove and store those personal effects at the expense of the Respondent.

- 6. THIS COURT ORDERS that a copy of this Order be posted on the door of the Property.

DATED: December 22, 2011

K.I. SIMONSEN

J.

CONSENTED AS TO FORM AND CONTENT:

WALSH & COMPANY

Per:


PAUL WALSH, Solicitor for the Respondent

GAVIN WOOD LAW OFFICE

Per:


GAVIN WOOD, Solicitor for the Applicant