

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ONTARIO PLACE PROTECTORS

Applicant

- and -

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO and
ATTORNEY GENERAL FOR ONTARIO**

Respondents

**AFFIDAVIT OF CATHERINE NASMITH
(Affirmed July 9, 2024)**

I, Catherine Nasmith, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am a Heritage Architect and a Director of Ontario Place Protectors, the Applicant, and, as such, I have knowledge of the matters to which I depose, except where information is provided to me by third parties, which information I believe to be true.

2. Attached and marked as “**Exhibit A**” are a series of photographs obtained from a website entitled www.swimop.com taken on July 8, 2024, of work taking place at the Ontario Place site.

AFFIRMED by Catherine Nasmith of the)
the City of Toronto, in the Province)
of Ontario, before me at the City of)
Toronto, in the Province of Ontario)
On July 9, 2024, in accordance)
with O. Reg 431/20, Administering)
Oath or Declaration Remotely)

A commissioner etc.

CATHERINE NASMITH

**This is “EXHIBIT A” referred to in the
Affidavit of Catherine Nasmith, of the City of Toronto,
In the province of Ontario, affirmed before
me at the City of Toronto, in the province of Ontario
on July 9, 2024, in accordance with O. Reg 431/20,
Administering Oath or Declaration Remotely**



A Commissioner, etc.









DANGER



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DUE TO
CORROSION
EllisDon















DANGER
DUE TO
[REDACTED]

EllisDon

ELLISDON SYSTEMS INC.
1000 WILSON AVENUE
MONTICELLO, TN 37137







ER



ONTARIO PLACE PROTECTORS - and **HIS MAJESTY THE KING IN RIGHT** Court File No.: CV-24-00719861-0000
- **OF ONTARIO and ATTORNEY**
GENERAL OF ONTARIO

Applicant

Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE

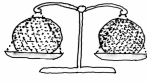
Proceeding Commenced at Toronto

AFFIDAVIT OF CATHERINE NASMITH
(Affirmed July 9, 2024)

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION
Barristers & Solicitors
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Toronto, Ontario M5G 1E6

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Counsel for the Applicant



Ontario Place Protectors

July 10, 2024

FOR IMMEDIATE RELEASE

Ontario Place Protectors can advise the Ontario Government has provided the following undertaking pending the hearing of its [Application to the Superior Court of Ontario](#) on July 19th 2024:

As an interim measure pending the conclusion of the hearing scheduled for July 19, 2024, Ontario agrees to the following until 6 pm on July 19, 2024, with respect to the work at Ontario Place:

1. Ontario will not cause or permit any permanent destruction of any trees, shrubs or buildings at Ontario Place.
2. If unforeseen circumstances require that work must be done, for example to prevent a serious risk of harm to any person's health, Ontario will make best efforts to provide advance notice to the Applicant and the Court.

For further information please contact:
Ontario Place Protectors

Eric K. Gillespie
egillespie@gillespielaw.ca
(416) 436-7473 (Text/Phone)

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info@ontarioplaceprotectors.com

CITATION:

ONTARIO SUPERIOR COURT OF JUSTICE (TORONTO REGION)
CIVIL ENDORSEMENT FORM
(Rule 59.02(2)(c)(i))

BEFORE Justice John Callaghan Court File Number:
CV-24-00719861-0000

Title of Proceeding:
Ontario Place Protectors Plaintiff
-v-
His Majesty et al. Defendants

Case Management: Yes If so, by whom: No

Participants and Non-Participants:(Rule 59.02(2)(vii))

Party	Counsel	E-mail Address	Phone #	Participant (Y/N)
1) Applicant	Eric Gillespie	egillespie@gillespielaw.ca	416-703-4047	Y
2) Respondent	Hera Evans	hera.evans@ontario.ca	437-770-6626	Y

Date Heard: (Rule 59.02(2)(c)(iii))

Nature of Hearing (mark with an "X"): (Rule 59.02(2)(c)(iv))

Motion Appeal Case Conference Pre-Trial Conference Application

Format of Hearing (mark with an "X"): (Rule 59.02(2)(c)(iv))

In Writing Telephone Videoconference In Person

If in person, indicate courthouse address:

Relief Requested: (Rule. 59.02(2)(c)(v))

See below

Disposition made at hearing or conference (operative terms ordered): *(Rule 59.02(2)(c)(vi))*

Hearing scheduled for July 19, 2024.

Costs: On a _____ indemnity basis, fixed at \$ _____ are payable
by _____ to _____ [when _____]

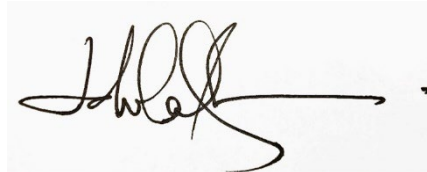
Brief Reasons, if any: *(Rule 59.02(2)(b))*

1. The applicant seeks to challenge legislation impacting Ontario Place. It seeks a date for an injunction. After discussion with the parties, it was agreed that it would be more efficient to address the application. A date has now been set for **July 19, 2024** to hear the application.
2. As an interim measure pending the conclusion of the hearing scheduled for July 19, 2024, Ontario agrees to the following until 6 pm on July 19, 2024, with respect to the work at Ontario Place:
 1. Ontario will not cause or permit any permanent destruction of any trees, shrubs or buildings at Ontario Place.
 2. If unforeseen circumstances require that the work described in para. 1 must be done, for example to prevent a serious risk of harm to any person's health, Ontario will make best efforts to provide advance notice to the Applicant and the Court.
3. In respect of a schedule, this Court orders that:
 - 1) Application record is due on July 3, 2024;
 - 2) Responding record, if any, due on July 8, 2024;
 - 3) Reply record, if any, due on July 10, 2024;
 - 4) Cross-examination to be completed on July 11, 2024;
 - 5) Applicant's factum due by July 15, 2024 at 4 pm; and
 - 6) Respondent's factum due by July 17, 2024 at 12 pm.
4. The application can be heard on July 19, 2024, for one full day.

Additional pages attached: Yes No

June 28, 2024
(Released July 10, 2024)

Date of Endorsement *(Rule 59.02(2)(c)(ii))*



Signature of Judge/Associate Judge *(Rule 59.02(2)(c)(i))*