

Court File No.: CV-24-00719861-0000

**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

**MOTION RECORD
(DISCLOSURE)**

June 27, 2024

**ERIC K. GILLESPIE
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Lawyers for the Applicant/Moving Party

TO:

ATTORNEY GENERAL OF ONTARIO

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Counsel for the Respondents

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TAB 1

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**NOTICE OF MOTION
(DISCLOSURE)**

The moving party, Ontario Place Protectors, will make a motion to the court on a date to be fixed by the Registrar, or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- In writing under subrule 37.12.1 (1) because it is (*insert one of* on consent, unopposed *or* made without notice);
- In writing as an opposed motion under subrule 37.12.1 (4);
- In person;
- By telephone conference;
- By video conference.

at the following location:

Toronto Superior Court via ZOOM, 330 University Ave., Toronto, ON M5G 1R7

THE MOTION IS FOR:

1. An Order for disclosure by the respondents of the schedule for any further destruction of natural features at Ontario Place;
2. An Order for disclosure by the respondents of the schedule for any further destruction of buildings with historical and/or cultural significance at Ontario Place;
3. An Order allowing substituted service, validating service and/or abridging time for service, if necessary;
4. Costs of this Motion; and
5. Such further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

1. On Thursday, June 27, 2024, counsel for the Respondents Mr. Zachary Green indicated he had no information regarding further work taking place at the Ontario Place site.
2. Counsel for the Respondents indicated it would not be possible to obtain this information until, at the earliest, sometime next week and was unsure if this information would be provided at that time.
3. The information sought is necessary in order to:
 - a. Determine if interlocutory relief is necessary; and
 - b. Determine the schedule for the hearing of this application;
4. Rules 1.04, 3.02 37, 38, and 39 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg.194;
and
5. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the

motion:

1. The Motion Record of the Moving Party dated June 27, 2024; and
2. Such further or other evidence as counsel may advise and this Honourable Court may permit.

June 27, 2024

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SUPERIOR COURT OF JUSTICE

Proceeding Commenced at Toronto

NOTICE OF MOTION
(DISCLOSURE)

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Counsel for the Applicant

TAB 2

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**AFFIDAVIT OF HIKMET GURLER
(Affirmed June 27, 2024)**

I, Hikmet Gurler, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am a law student employed by the law firm for the Applicant, and, as such, I have knowledge of the matters to which I dispose, except where information is provided to me by third parties, which information I believe to be true.
2. On Thursday, June 27, 2024, I was present for a telephone call between counsel to discuss scheduling in this matter. Counsel for the Respondents Mr. Zachary Green indicated he had no information regarding further work taking place at the Ontario Place site. He indicated it would not be possible to obtain this information until, at the earliest, sometime next week and was unsure if this information would be provided at that time.

AFFIRMED by Hikmet Gurler of the)
the City of Toronto, in the Province)
of Ontario, before me at the City of)
Toronto, in the Province of Ontario)
On June 27, 2024)



A handwritten signature in cursive script, appearing to read "Sarah M. Qildon".

A commissioner etc.

A handwritten signature in cursive script, appearing to read "Hikmet Gurler".

HIKMET GURLER

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