

ONTARIO
SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST

THE HONOURABLE Mr
Justice CL Campbell)
TUESDAY, THE 9th
DAY OF OCTOBER 2012

IN THE MATTER OF SECTION 25 OF THE *REAL ESTATE AND BUSINESS BROKERS ACT, 2002*, S.O. 2002, CHAPTER 30, AS AMENDED

AND IN THE MATTER OF MONSTER REALTY CORPORATION O/A BREKLAND REALTY GROUP AND MATTHEW CAPPUCCITTI O/A MATT CAPPUCCITTI AND JASON LARAMEE

ORDER

THIS APPLICATION, made by the Applicant, the director under the *Real Estate and Business Brokers Act, 2002* (Ontario) (the "Director"), for:

- (a) an order for directions or an order relating to the disposition of assets, trust funds and land that are affected by:
 - (i) a freeze order that was issued by the Director, pursuant to section 25(1) of *Real Estate and Business Brokers Act, 2002* (Ontario) ("REBBA"), on February 1, 2012, in relation to assets and trust funds of Monster Realty Corporation o/a Brekland Realty Group ("Monster Realty"), Matthew Cappuccitti, o/a Matt Cappuccitti ("Cappuccitti"), Jason Laramee ("Laramee") and the spouse of Laramee, Renata Schumaker ("Schumaker");
 - (ii) a notice that was registered by the Director, pursuant to subsection 25(7) of REBBA, on February 3, 2012, in the land registry office at 2800 Highpoint Drive, 2nd Floor in Milton, Ontario in relation to the property municipally known as 351

Lakeshore Road West in Oakville, Ontario (“the Oakville Property”);

- (iii) a notice that was registered by the Director, pursuant to subsection 25(7) of REBBA, on February 3, 2012, in the land registry office at 15 Dominion Street, in Bracebridge, Ontario in relation to property municipally known as 1183 Elgin House Road in Port Carling, Ontario, including part of the bed of Lake Joseph appurtenant thereto (the “Elgin House Property”);
- (b) an order for directions with respect to notice and/or service of this application on persons who may be affected by this application;
- (c) costs of this application on a substantial indemnity basis; and
- (d) such further and other relief as this Honourable Court deems just

was heard this day, October 9, 2012, without notice, at 330 University Avenue, Toronto, Ontario.

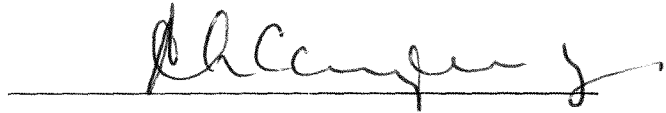
ON READING the Notice of Application, the Affidavit of Thomas Alan Wright sworn October 1, 2012, and the exhibits attached thereto, filed, and on hearing the submissions of the lawyers for the Applicant,

2. THIS COURT ORDERS that the Applicant shall serve the Notice of Application, the Affidavit of Thomas Alan Wright sworn October 9, 2012, and this Order (collectively, the “Application Materials”) upon the persons listed in Schedule “A”.


3. THIS COURT ORDERS that the Applicant shall forthwith provide notice of this Application and Order by posting a notice (the “Website Notice”), in a form that is substantially in the form attached as Schedule “B”, on the website of the Real Estate Council of Ontario (“RECO”) at <http://www.reco.on.ca>. The Website Notice is to remain posted on RECO’s website until directed by further order of this Court.

4. THIS COURT ORDERS that the Applicant shall forthwith place an advertisement that provides notice of this Application and Order, in a form that is substantially in the form attached as Schedule "C", in local publications.

5. THIS COURT ORDERS that the Applicant shall, as soon as is reasonably practicable, provide notice of this Application and Order to registrants (brokers and salespersons) that were employed by Monster Realty and for whom RECO has a mailing address and cooperating registrants (brokerages, brokers and salesperson), that may have a claim against the assets, trust funds and/or land that are affected by the Freeze Order and the Notices, and for whom RECO has a mailing address, by sending to them a copy of the Website Notice via registered mail and regular mail.



ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

 OCT - 9 2012

Schedule "A"

Persons	Address for Service
Monster Realty Corporation	Monster Realty Corporation c/o Jason Laramée 351 Lakeshore Road West Oakville, Ontario L6K 1G3
Jason Laramée	Jason Laramée 351 Lakeshore Road West Oakville, Ontario L6K 1G3
Bank of Montreal	Bank of Montreal 6780 Meadowvale Town Centre Circle Mississauga, Ontario L5N 4B7 Attention: Abdul Mohamed, Branch Manager
Home Trust Company	Gowling Lafleur Henderson LLP One Main Street West Hamilton, Ontario L8P 4Z5 Attention: Stephanie Harvey
Howard Sokolowski	Goodmans LLP Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7 Attention: Mark Dunn
Mark Rao and Lynda Rao	Vanguard Law Group 104-5770 Hurontario St Mississauga Ontario L5R 3G5 Attention: Sanjay Soni
A Lloyd's Syndicate, composed of Liberty Syndicate, Brit	Dion, Durrell & Associates Inc. 250 Yonge Street, Suite 2900 Toronto, Ontario

Schedule "A"

Syndicate, Amlin Syndicate, Pembroke Syndicate, AGDore Syndicate, Ark Syndicate and Argo Syndicate	M5B 2L7 Attention: Tim Clark, Consultant
Canada Revenue Agency	Canada Revenue Agency c/o Department of Justice Ontario Regional Office The Exchange Tower 130 King Street West Suite 3400, Box 36 Toronto, Ontario M5X 1K6
Ontario Ministry of Revenue	Ministry of Revenue Revenue Collections Branch Bankruptcy and Insolvency Unit 6 th Floor, 33 King Street West Oshawa, Ontario L1H 8H5

Schedule "B"

NOTICE FOR CLAIMS AGAINST MONSTER REALTY CORPORATION O/A BREKLAND REALTY GROUP AND MATTHEW CAPPUCCITTI O/A MATT CAPPUCCITTI AND JASON LARAMEE

TAKE NOTICE THAT:

On October 9, 2012, the director under the *Real Estate and Business Brokers Act, 2002* (Ontario) (hereinafter, the "Director") brought an application in the Ontario Superior Court of Justice for relief including an order for directions or an order relating to the disposition of assets, trust funds and land that are affected by:

- (i) a freeze order that was issued by the Director, pursuant to section 25(1) of *Real Estate and Business Brokers Act, 2002* (Ontario) ("REBBA"), on February 1, 2012, in relation to assets and trust funds of Monster Realty Corporation o/a Brekland Realty Group ("Monster Realty"), Matthew Cappuccitti, o/a Matt Cappuccitti ("Cappuccitti"), Jason Laramee ("Laramee") and the spouse of Laramee, Renata Schumaker ("Schumaker");
- (ii) a notice that was registered by the Director, pursuant to section 25(7) of REBBA, on February 3, 2012, in the land registry office at 2800 Highpoint Drive, 2nd Floor in Milton, Ontario in relation to the property municipally known as 351 Lakeshore Road West in Oakville, Ontario ("the Oakville Property"); and
- (iii) a notice that was registered by the Director, pursuant to section 25(7) of REBBA, on February 3, 2012, in the land registry office at 15 Dominion Street, in Bracebridge, Ontario in relation to property municipally known as 1183 Elgin House Road in Port Carling, Ontario, including part of the bed of Lake Joseph appurtenant thereto (the "Elgin House Property").

BACKGROUND:

The Real Estate Council of Ontario (hereinafter, "RECO") is responsible for administering REBBA on behalf of the Government of Ontario. The Director is appointed by the board of RECO.

Monster Realty was registered as a brokerage under REBBA. On or about February 26, 2008, Monster Realty began using the trade name style of "Brekland Realty Group". Monster Realty's main office was located at 2650 Meadowvale Blvd., Suite 3, Mississauga, Ontario. Monster Realty's branch offices were located at 1137 Crofton Way, Burlington, ON, L7P 3A8, 482 South Service Road, Oakville, ON, L6J 2X6 and 55 Ontario Street South, Suite 5A, Milton, ON, L9T 2M3. Cappuccitti was registered first as a salesperson, then as a broker under REBBA and at all material times was the broker of record for Monster Realty. Laramee was Monster Realty's sole director, officer and shareholder.

On February 1, 2012, pursuant to subsection 25(1) of REBBA, the Director issued a freeze order (the "Freeze Order") that, *inter alia*, ordered the branch of BMO located at 6780 Meadowvale Town Centre Circle, Mississauga, Ontario (the "Bank"), to hold any and all assets and/or trust funds which were being kept and maintained by Monster Realty in any account, including Monster Realty's Real Estate Trust Account, commission trust account and general account.

On February 3, 2012, the Director registered a notice in the land registry office at 2800 Highpoint Drive, 2nd Floor in Milton, Ontario (the "First Notice") advising that the Director had issued the Freeze Order and that the Freeze Order may affect the Oakville Property.

On February 3, 2012, the Director registered a notice in the land registry office at 15 Dominion Street, in Bracebridge, Ontario (the "Second Notice") advising that the Director had issued the Freeze Order and that the Freeze Order may affect the Elgin House Property. On or about June 25, 2012, the Director lifted the Second Notice.

On February 8, 2012, Monster Realty was charged with:

- (a) one (1) count of failing to disburse trust money in accordance with a trust account;
- (b) one (1) count of failing to immediately eliminate a shortfall in the trust account;
- (c) one (1) count of failing to prepare monthly trust reconciliations;
- (d) one (1) count of failing to keep original records at the brokerage's main office;
- (e) one (1) count of engaging in a trust transaction not authorized by the broker of record; and
- (f) one (1) count of failing to designate an alternate broker of record;

On February 8, 2012, Laramée was charged with:

- (a) one (1) count of failing to disburse trust money in accordance with a trust account;
- (b) one (1) count of performing the functions of a broker while not registered;
- (c) one (1) count of failing to immediately eliminate a shortfall in trust account;
- (d) one (1) count of failing to keep original records at the brokerage's main office;
- (e) one (1) count of engaging in a trust transaction not authorized by the broker of record; and
- (f) one (1) count of failing to designate an alternate broker of record;

On February 8, 2012, Cappuccitti was charged with:

- (a) one (1) count of failing to ensure that the brokerage complied with REBBA;
- (b) one (1) count of failing, while being a broker of record, to sign and date the monthly trust reconciliation reports;

- (c) one (1) count of failing, while being a broker of record, to authorize a transaction involving money that came into the brokerage's hands in trust for another person; and
- (d) one (1) count of failing to actively participate in the management of the brokerage;

On April 24, 2012, the registration of Monster Realty as a brokerage was revoked.

On October 9, 2012, pursuant to section 25(11) of REBBA, the Director brought an application before the Ontario Superior Court of Justice for directions or an order relating to the disposition of assets, trust funds or land affected by the Freeze Order and the Notices.

TAKE NOTICE THAT:

This notice is placed pursuant to the direction of the Ontario Superior Court of Justice.

IF YOU HAVE A CLAIM AGAINST EXECUTIVE AND WISH TO MAKE A CLAIM AGAINST THE ASSETS, TRUST FUNDS AND/OR LAND THAT ARE AFFECTED BY THE FREEZE ORDER OR NOTICES DESCRIBED ABOVE, YOU MUST GIVE NOTICE IN WRITING TO THE DIRECTOR'S LAWYERS, WHOSE CONTACT INFORMATION IS BELOW, BY OCTOBER 31, 2012, FAILING WHICH THE DIRECTOR'S APPLICATION TO THE ONTARIO SUPERIOR COURT OF JUSTICE REFERRED TO ABOVE WILL BE BROUGHT BACK BEFORE THE COURT, AND DIRECTIONS MAY BE GIVEN CONCERNING THE ASSETS, TRUST FUNDS AND/OR LAND AFFECTED BY THE FREEZE ORDERS AND THE NOTICE, WITHOUT FURTHER NOTICE TO YOU.

To provide official notice in writing, or for further information about the Application or this notice, contact the Director's lawyers: Cassels Brock & Blackwell LLP, 2100-40 King Street West, Toronto, Ontario M5H 3C2, attention: Jessica Zagar (jzagar@casselsbrock.com); telephone: 416-815-4366; facsimile: 647-259-7969

Dated at Toronto this ● day of October, 2012.
Tom Wright
Director, *Real Estate and Business Brokers Act, 2002*

Schedule "C"

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE – COMMERCIAL LIST**

IN THE MATTER OF SECTION 25 OF THE *REAL ESTATE AND BUSINESS BROKERS ACT, 2002*, S.O. 2002, CHAPTER 30, AS AMENDED

AND IN THE MATTER OF MONSTER REALTY CORPORATION O/A BREKLAND REALTY GROUP AND MATTHEW CAPPUCCITTI O/A MATT CAPPUCCITTI AND JASON LARAMEE

**NOTICE TO ALL CREDITORS OF MONSTER REALTY CORPORATION O/A
BREKLAND REALTY GROUP AND MATTHEW CAPPUCCITTI O/A MATT
CAPPUCCITTI AND JASON LARAMEE**

TAKE NOTICE THAT:

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IN THE MATTER OF SECTION 25 OF THE *REAL ESTATE AND BUSINESS BROKERS ACT, 2002*, S.O. 2002, CHAPTER 30, AS AMENDED

Court File No:

CV12-9867-00CL

AND IN THE MATTER OF MONSTER REALTY CORPORATION O/A BREKLAND REALTY GROUP, MATTHEW CAPPUCCHETTI O/A MATT CAPPUCCHETTI AND JASON LARAMEE

**ONTARIO
SUPERIOR COURT OF JUSTICE -
COMMERCIAL LIST**

Proceeding commenced at TORONTO

ORDER

Cassels Brock & Blackwell LLP
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Lawyers for the Applicant