

Court File No. CV-23-00080519-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE L. SHEARD

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WEDNESDAY, THE 25th
DAY OF JANUARY, 2023

B E T W E E N:

(Court Seal)

CITY OF HAMILTON

Applicant

and

JUSTIN HOLMES

Respondent

APPLICATION UNDER section 440 of the *Municipal Act, 2001*, SO 2001, c.25

ORDER

THIS MOTION, made by the Applicant for an interim injunction under section 440 of the *Municipal Act, 2001*, SO 2001, c.25, was heard this day at the court house, 45 Main Street E., Hamilton ON, L8N 2B7.

ON READING the Application Record, the Applicant's Factum, on hearing submissions from co-counsel for the Applicant, Bevin Shores, also appearing as authorized agent for Douglas Burns, counsel the Respondent, and on being advised of the consent of the parties:

1. **THIS COURT ORDERS** that the Respondent Justin Holmes shall be and is hereby restrained and enjoined from undertaking or causing, directly or indirectly, site alteration to the property municipally known as 1802 Regional Road 97 in the City of Hamilton (the “Property”);
2. **THIS COURT ORDERS** that any Municipal Law Enforcement officer within the Licencing and By-Law Services division of the City of Hamilton (“MLE”); a duly authorized agent of the City of Hamilton, including a licensee under the *Private Security and Investigative Services Act*, 2005, S.O. 2005, c. 34, as amended (“Authorized City Agent”); or any police officer with the Hamilton Police Service (the “Police”); shall be authorized to take any steps deemed reasonable and necessary to prevent any uses of or activity on the Property that contravene paragraph 1 of this Order, including but not limited to authorization to restrict or block access to the Property if MLE, the Authorized City Agent, and/or the Police have reasonable grounds to believe site alteration is being or has been performed in contravention of paragraph 1 of this Order.
3. **THIS COURT ORDERS** that the City of Hamilton and/or the Police shall retain discretion as to the manner and means of any enforcement activity conducted by them in accordance with paragraph 2 of this Order.
4. **THIS COURT ORDERS** that the terms of this Order shall remain in force until varied or discharged by a further Order of the Court.
5. **THIS COURT ORDERS** that costs of this motion shall be in the cause.

6. **THIS COURT ORDERS** that this Application, including the issue of costs of this Application, is adjourned without date, returnable on 10 days' notice.

L. Sheard J.

CITY OF HAMILTON

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- and - JUSTIN HOLMES
Applicant

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
HAMILTON

ORDER

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