

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE *D. Gray.*)

THURSDAY, THE 23rd DAY
OF JANUARY, 2019)



BETWEEN:

ASSOCIATION OF ONTARIO LAND SURVEYORS

Applicant

- and -

TORONTO LAND SURVEYORS INC., LUCY SHAW, also known as LUDMILA K. SHAW and
NELSON RESENDES

Respondents

**In the matter of an Application made pursuant to Rule 14 of the *Rules of Civil Procedure*
and Section 38 of the *Surveyors Act*, R.S.O. 1990, c. S.29.**

ORDER

THIS APPLICATION made by the Applicant for an order and declaration of interest in
restraining and prohibiting the Respondents from engaging in the practice of cadastral surveying
was heard this day at the Courthouse in Milton, Ontario.

UPON READING the Application Record, the Supplementary Application Record, the
Supplementary Supplementary Application Record, the Responding Application Record of the
Respondent, Lucy Shaw, the Application Record of the Respondent, Nelson Resendes, the Reply

Record of the Applicant with Affidavit of William D. Buck, the Reply Record of the Applicant with Affidavit of Jessica Marley, the Factum of the Respondents, Toronto Land Surveyors and Teresa Incorvaja, dated May 8, 2017, and the Amended Applicant's Factum, all filed, and upon hearing counsel for the Applicant, ~~and no one appearing for the Respondents,~~

1. **THIS COURT ORDERS** that the Respondents, TORONTO LAND SURVEYORS INC., [✓]NELSON RESENDES, ~~and LUCY SHAW, also known as LUDMILA K. SHAW,~~ be prohibited and restrained from continuing and engaging in the practice of cadastral surveying, contrary to Section 11 of the *Surveyors Act*, R.S.O. 1990, c. S.29.

2. **THIS COURT FURTHER ORDERS** that the Respondents TORONTO LAND SURVEYORS INC., [✓]NELSON RESENDES, ~~and LUCY SHAW, also known as LUDMILA K. SHAW,~~ be restrained from holding themselves out to the public as engaging in the practice of cadastral surveying.

3. **THIS COURT FURTHER ORDERS** that leave be granted to permit the Applicant to serve a true copy of this Order on the Respondents, TORONTO LAND SURVEYORS INC., and NELSON RESENDES by facsimile transmission and sent to Lawyers of Record for said Respondents to: Tafakori Khan LLP, 2300 Yonge St #1600, Toronto, ON M4P 1E4, Attn: Aftab Khan, Fax 1-647-689-2553.

4. **THIS COURT FURTHER ORDERS** that the Respondents, TORONTO LAND SURVEYORS INC., and NELSON RESENDES, pay to the Applicant its costs of this

PJK

Application fixed in the sum of \$ 15,000.00, inclusive of HST.

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**SUPERIOR COURT OF JUSTICE
MILTON**

P. K. J. [Signature]

This Order bears interest at the rate of 3 % per annum.

ASSOCIATION OF ONTARIO LAND SURVEYORS

and

TORONTO LAND SURVEYORS INC. et al.

Applicant

Respondents

Court File No. 1332/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

(Proceeding commenced at Milton, Ontario)

ORDER

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