

**SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) Fri DAY, THE 11<sup>th</sup>  
JUSTICE J. Johnston ) OF DECEMBER, 2020

BETWEEN:

**MISSISSIPPI VALLEY CONSERVATION AUTHORITY**

Applicant

-and-

**ESTATE OF JAMES FARQUHARSON LEYS and  
ESTATE OF WINIFRED IRENE LEYS**

Respondents

IN THE MATTER of Rule 14.05(3) (d), (e) and (h) of the Rules of Civil Procedure

AND IN THE MATTER of a Deed registered May 23, 1973 as instrument number RN31725 in the Registry Office for Lanark (No. 27) between James Farquharson Leys, as Grantor, Winifred Irene Leys, as Wife of Grantor, and Mississippi Valley Conservation Authority, as Grantee.

AND IN THE MATTER of a gift of certain art and artefacts associated with the work of R. Tait McKenzie from James Farquharson Leys and/or Winifred Irene Leys, as Transferors, and Mississippi Valley Conservation Authority, as Grantee

**ORDER**

THIS APPLICATION was heard this day at 43 Drummond Street East, Perth, Ontario.

ON READING the Notice of Application and the evidence filed therein,

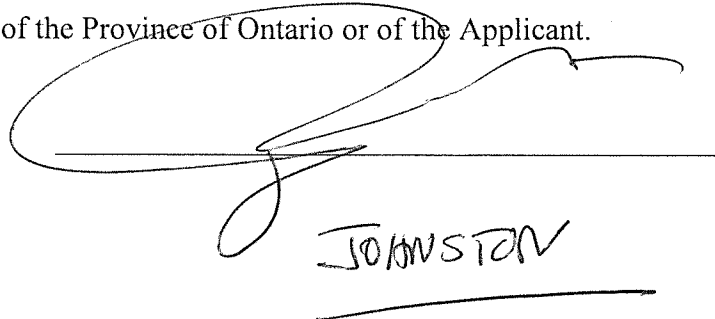
1. THIS COURT ORDERS that service of this Notice of Application on the Estate of James Farquharson Leys or his heirs, executors or assigns is dispensed with.
2. THIS COURT FURTHER ORDERS that service of this Notice of Application on Winifred Irene Leys or her heirs, executors or assigns is dispensed with.

3. THIS COURT FURTHER ORDERS AND DECLARES that the Applicant is the absolute owner of the lands described in instrument number RN31725 [being part of PIN #05084-0075 (LT)] and that James Farquharson Leys, Winifred Irene Leys and/or their respective estates have no beneficial interest in these lands nor is the property subject to any covenants or conditions in favour of the Respondents, their respective Estates, heirs, executors and assigns.
4. THIS COURT FURTHER ORDERS AND DECLARES that the contract arising from the Option Agreement between the Applicant and Respondent dated April 4, 1972 (“**Option Agreement**”) was completed and that, in accordance with paragraph 13 of the Option Agreement, the art and artefacts associated with the R. Tait McKenzie Memorial Museum owned by the Respondents (“**art and artefacts**”) were gifted to the Applicant at the time of the registration of Deed #RN31725, being May 23, 1972.
5. THIS COURT FURTHER ORDERS AND DECLARES that the gift of the art and artefacts was not subject to any trust agreement between the Applicant and the Respondents, either in writing or otherwise, and that the Respondents and/or their respective Estates, heirs, executors and assigns have no beneficial interest in the art and artefacts.
6. THIS COURT FURTHER ORDERS AND DECLARES that the Applicant is the absolute owner of the art and artefacts gifted by the Respondents and, as such, may retain or dispose of these items as may be required in order to comply with the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, and amendments thereto or to comply with any other statute, by-law or directive of the Province of Ontario or of the Applicant.

**PERTH**

DEC 11 2020

**73-38**



Handwritten signature of Johnston, written in black ink over a horizontal line. The signature is stylized and appears to read 'JOHNSTON'.

MISSISSIPPI VALLEY CONSERVATION AUTHORITY

-and-

Court File No.

CV-20-0000086-0000  
ESTATE OF JAMES FARQUHARSON LEYS and  
ESTATE OF WINIFRED IRENE LEYS

Applicants

Respondents

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**SUPERIOR COURT OF JUSTICE**

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**ORDER**

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