

THE BOARD OF REGENTS  
OF  
VICTORIA UNIVERSITY  
  
ARBITRATION  
AND  
VARIOUS COURT PROCEEDINGS

R# 132900

F# 8996744

D. ALECK DADSON  
OSLER, HOSKIN & HARCOURT

VICTORIA UNIVERSITY

RE: ARBITRATION

R# 132900

F# 8996744

BOX NO. 1 EXHIBITS FROM THE ARBITRATION

1. Joint Submission for 131 Bloor Street West
  2. Joint Submission for 151 Bloor Street West
  3. Report of Bosley Farr submitted on behalf of Victoria University - *Missing Jan 8/09  
kw*
  - 4A. Appraisal report of Robert Hicks of 131 Bloor Street West, appraised as though the lands are vacant
  - 4B. Appraisal report of Robert Hicks of 131 Bloor Street West taking into account the existing buildings
  - 4C. Appraisal report of Robert Hicks of 151 Bloor Street West as though the lands were vacant
  - 4D. Appraisal Report of Robert Hicks of 151 Bloor Street West as though the lands were vacant
  5. Report of Berridge Lewinberg Greenberg
  - 6A. Report of Jarrett on 131 Bloor Street West
  - 6B. Report of Jarrett on 151 Bloor Street West
  - 7A. Report of David Atlin on 131 Bloor Street West subject to the existing use
  - 7B. Report of David Atlin on 131 Bloor Street West subject to the existing use
- 
- Box 2
- 7C. Report of David Atlin on 151 Bloor Street West as vacant land
  - 7D. Report of David Atlin on 151 Bloor Street west to the subject to the existing use
  - 8A. Report of Lincoln North on 131 Bloor Street West as vacant land

- 8B. Report of Lincoln North on 131 Bloor Street West subject to the existing building and use
- 8C. Report of Lincoln North on 151 Bloor Street West subject to the existing building use
- 9A. Report of Walker, Wright & Young on 131 Bloor Street West
- 9B. Report of Walker, Wright & Young on 151 Bloor Street West
- 9C. Figure 1 131 Bloor Street West Area Analysis
- 10. Report of Colliers, MacAulay, Nicolls
- 11. Report of Stewart
- 12. Report of Cadillac Fairview on 151 Bloor Street West
- 12B. Letter from Cadillac Fairview dated April 23, 1991
- 13A. Report of Larry Smith re: market outlook
- 13B. Report of Larry Smith dated March 14, 1991 re: affordable rental housing
- 14. Aerial photograph of the subject properties produced by Mr. Berridge
- 15. Official plan and zoning designations produced by Mr. Berridge
- 16. Preliminary report, part II plan of Bay Street Corridor
- 17A. 85 Bloor Street West Data and Analysis of the Sale
- 17B. Bosley Farr Associates - Davies Rule - Depth Table
- 17C. Page with columns and #3 at top left hand corner Toronto Real Estate Board Schedule of Costs
- 18. Toronto Real Estate Board MLS Map dated January 1, 1989
- 19. Copy of Mortgage and Part of Deed for 32, 38 and 40 Charles Street East

20. Set of Tables number 1(a) and (b), 2(a), (b), (c) and (d) and 3 re: Development Potential etc.
21. Agreement of Purchase and Sale for 85 Bloor Street West
22. Chart prepared by Hicks headed Summary re: 1960-61 to 1989 Time Trend
23. Existing charge on property dated 1987
24. John Cowle's Report
25. A reprint from the Appraisal Journal
26. Agreement to Lease between The Board of Regents of Victoria University and Huang & Dancskay Limited
27. Profile - Henry Hart Rice - James Felt Realty Services
28. Curriculum Vitae - Lawrence Berk Smith
29. Midtown Historic and Projected Supply and Demand
30. Financial Core Historic and Projected Supply and Demand

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BOX NO. X3 EXHIBITS FROM THE ARBITRATION

31. Highest and Best Use
32. Letter from Gordon E. Howorth of Hamilton and Associates to Dr. L.R. Kurtz of Victoria University dated June 18, 1990
- 33.
34. Curriculum Vitae of Peter Maher, Vice-President of Lehndorff Property Management Limited
35. Proposed Renovation to 151 Bloor Street West for Lehndorff Property Management by Allan Rae Architect Inc. and Designcorp Ltd. dated September 17, 1990
36. Letter from Anne Thornton of Property Management Division Toronto Region, Ministry of Government Services to Lehndorff Property Management Ltd. dated June 26, 1990
- 37A. Memorandum to File - 131 Bloor Street West (Valuation assuming the land vacant, exclusive of the improvements, ignoring the ground lease) from David Atlin dated May 10, 1991
- 37B. Memorandum to File - 131 Bloor Street West (Valuation Subject to the Existing Improvements) from David Atlin dated May 10, 1991
- 37C. Memorandum to File - 151 Bloor Street West (Valuation assuming the land vacant, exclusive of the improvements, ignoring the ground lease) from David Atlin dated May 10, 1991
- 37D. Memorandum to File - 151 Bloor Street West (Valuation Subject to the Existing Improvements) from David Atlin dated May 10, 1991
38. Time Trending of Sales
39. Comparable Sales by Stewart, Young & Mason Limited
40. The Concept of Highest and Best Use

41. Comparison of Trend Lines Chart
42. Revenue Exhibit Book B-1 - Volume One
43. Draft Appraisal Report 131 Bloor Street West Toronto, Ontario
44. Transfer/Deed of Land - Transferor - Schooner Corporation Limited and Transferee - Nastapoka Holdings Inc. dated May 31, 1989
45. Transfer/Deed of Land - Transferor - The Canada Trust Company and Transferee - Nastapoka Holdings Inc. dated May 31, 1989
- 46A. Document General - Notice of Assignment of Lease (subsection 21(7) of the Act) dated November 24, 1987
- 46B. Agreement between Philip Tuthill Jackson, Maunsell Bowers Jackson and Reuben Belden Morley and Strong-McIlraith Limited dated September 1, 1952
47. By-Law No. 215-86
48. By-law No. 850-88
49. Appraisal Qualifications and Experience Edward C. Bruce
50. Curriculum Vitae of Philip C. Gillin
- 51A. Curriculum Vitae of John Cowle
- 51B. John Cowle Architect Inc. marketing sheet
52. Curriculum Vitae of N. Barry Lyon
53. Estimated Historical Absorption Rates of Condominium Projects Toronto CMA 1980-1990\* \*First half
54. Curriculum Vitae of Lincoln W. North
55. Handbook of Appraisal Guidelines for the Valuation of Real Estate Assets
56. Land Value by Abstraction and The Land Development Method
57. Curriculum Vitae of Peter R. Walker

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BOX NO. X 4

Opening Brief Filed By Victoria

Opening Brief of Revenue Properties Limited and Lehndorff Properties

Written Argument of Victoria - Question 1

Response to the First Question on Behalf of Revenue and Lehndorff

Reply of Victoria - Question 1

Written Argument of Victoria - Question 2

Response to the Second Question on Behalf of Revenue and Lehndorff

Written Argument of Victoria - Question 3

Response to the Third Question on Behalf of Revenue and Lehndorff

Victoria's Submissions Regarding the Appraisal Evidence

Revenue and Lehndorff Argument on the Appraisal Evidence

Reply of Victoria University to the Lessees' Argument on the Appraisal Evidence

Victoria's Submissions Regarding Interest

Revenue and Lehndorff Argument on Interest

Victoria's Reply to the Lessees' Submissions Regarding Interest

Award of Messrs. Simmonds, Fitzpatrick and Combs

Brief - Court File No. 33/92

Factum Filed by the Moving Party Victoria University

Book of Authorities Filed by the Moving Party

Factum of the Respondent, The Board of Regents of Victoria University

Factum of 141 Bloor West Limited

Factum of Revenue Properties

Judgment - Court File No. 33/92 - McMurtry A.C.J.O.C.

Respondent's Submissions Regarding Costs

Application Record



VICTORIA UNIVERSITY

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BOX NO. X 5

Supplementary Application Record (Affidavits) 2

Supplementary Application Record (Cross-examination Transcripts, Exhibits, Undertakings) 3

Supplementary Application Record 4

Respondent's Submissions Regarding Costs

Revenue Properties Company Limited Submissions Regarding Costs

Brief Court File No. 16/92

Factum of the Respondent, the Board of Regents of Victoria University

Factum on the Cross-Appeal Filed by the Appellant By Cross-Appeal, The Board of Regents of Victoria University

Appellant's Factum

Factum of the Appellants (Respondents by Cross-Appeal) on the Cross-Appeal

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Box 6 Brief Court File No. 727/91

Factum of Revenue Properties Company Limited

Revised Factum of Revenue Properties Company Limited

Factum of the Respondent, The Board of Regents of Victoria University

Appeal Books Volume I

Appeal Books Volume II

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Box 7 Appeal Books Volume III

Appeal Books Volume IV

Appeal Books Volume V

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BOX NO. X 8

Appeal Books Volume VI

Appeal Books Volume VII

Appeal Books Volume VIII

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Box 9 Appeal Books Volume IX

Appeal Books Volume X

Appeal Books Volume XI

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Box 10 Appeal Books Volume XII

Factum of the Moving Party Revenue Properties Company Limited

Factum of the Respondent, The Board of Regents of Victoria University

Factum of the Moving Party Revenue Properties Company Limited

Factum of the Moving Party, the Board of Regents of Victoria University

Factum of the Respondent, the Board of Regents of Victoria University

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BOX NO. 6

Motion Record Volume 1

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Box 11 Motion Record Volume 2

Motion Record Volume 3

Motion Record Volume 4

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Box 12 Motion Record Volume 5

Report of William Dendy

Original Orders

VICTORIA UNIVERSITY

RE: ARBITRATION

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BOX NO. X 12 continued

<u>Volume Number</u>	<u>Date</u>	<u>Witness</u>	<u>Examiner</u>	<u>Page</u>
I	May 6, 1991			
II	May 7, 1991	Joe BERRIDGE	Sexton McCutcheon Sexton	30 57 126
		James FARR	Sexton	130
III	May 8, 1991	James FARR	Sexton Dadson McCutcheon	5 36 41
IV	May 10, 1991	James FARR	McCuthceon Sexton	5 29
		Kevin HICKS	Sexton	36
V	May 13, 1991	Kevin HICKS	Sexton McCutcheon	5 82
VI	May 14, 1991	Kevin HICKS	McCutcheon	4

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Box 13	VII	May 15, 1991	Kevin HICKS	McCutcheon	5
			Claude JARRETT	Dadson	33
				McCarthy	58
				Dadson	79
			Ralph MILLS	Dadson	123
			Richard COUSLAND	Dadson	154
McCutcheon	159				
		Larry KURTZ	Dadson	161	
VIII	May 14, 1991	Lawrence SMITH	McCarthy	5	
			Dadson	46	
			McCarthy	64	
		Henry Hart RICE	McCutcheon	69	
			Dadson	86	
		Larry Robert KURTZ	McCutcheon	87	
Dadson	100				
Louis FORBES	McCutcheon	128			
	Dadson	152			
	McCutcheon	155			
IX	May 17, 1991	Brian MURPHY	McCarthy	5	
			Dadson	39	
		Peter MAHER	McCutcheon	49	
			Dadson	71	
X	May 21, 1991	David H. ATLIN	McCutcheon	4	
			Sexton	99	
11	May 22, 1991	David ATLIN	Sexton	4	
			McCutcheon	114	
		Edward BRUCE	McCutcheon	120	

12	May 23, 1991	Edward C. BRUCE	McCutcheon Sexton McCutcheon	3 60 129
XIII	May 24, 1991	Philip C. GILLIN	McCutcheon Dadson McCutcheon	5 45 83
		John COWLE	Dadson McCutcheon	87 95 93 108
		David STEWART	McCarthy Dadson	123 154

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Box 14

14	May 27, 1991	Barry LYON	McCarthy Dadson	3 22
		Lincoln NORTH	McCutcheon Sexton McCutcheon	28 53 107
XV	May 29, 1991	Peter WALKER	McCutcheon Dadson	5 67

3 1/8"

8 Floppy Disks - Transcripts of the Arbitration Hearings  
in ASC II Format