



## SERVICE LIST

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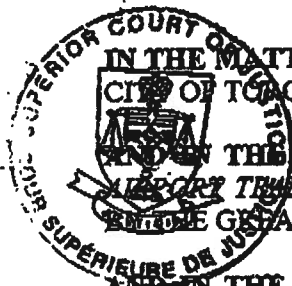
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Court File No.: CV-10-8647-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THE HONOURABLE MR. ) WEDNESDAY, THE 6<sup>TH</sup> DAY  
 )  
JUSTICE MORA WETZ ) OF APRIL, 2011



**IN THE MATTER OF THE RECEIVERSHIP OF SKYSERVICE AIRLINES INC., OF THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO**

**AND IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 9 OF THE AIRPORT TRANSFER (MISCELLANEOUS MATTERS) ACT, S.C. 1992, C.5 (APPLICATION BY THE GREATER TORONTO AIRPORTS AUTHORITY)**

**AND IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 56 OF THE CIVIL AIR NAVIGATION SERVICES COMMERCIALIZATION ACT, S.C. 1996, C.20, AS AMENDED (APPLICATION BY NAV CANADA)**

**ORDER**

**THE APPLICATIONS**, made by the Greater Toronto Airports Authority (the "GTAA") and the Ottawa Macdonald-Cartier International Airport Authority (the "OMCIAA", together with the GTAA, the "Airport Authorities") pursuant to section 9 of the *Airport Transfer (Miscellaneous Matters) Act*, S.C. 1992, c. 5 and by NAV Canada pursuant to section 56 of the *Civil Air Navigation Services Commercialization Act*, S.C. 1996, c.20, as amended; and

**THE MOTIONS** made by International Lease Finance Corporation, C.I.T. Leasing Corporation, IAI V Inc., MCAP Europe Limited, Thompson Airways Limited and Sunwing Tours Inc. (collectively, the "Aircraft Lessors") for, *inter alia*, certain declarations with respect to the entitlements of the Airport Authorities and NAV Canada;

were heard on June 1 and 16, 2010 at 330 University Avenue, Toronto, Ontario.


**ON READING** the Notices of Application of the Airport Authorities; the Notices of Motion of the Aircraft Lessors; the Affidavits of Jason V. Boyd sworn March 31, April 5 and April 13, 2010; the Affidavit of Louise M. Patenaude sworn April 5, 2010; the Affidavits of Ray Butler sworn April 5 and April 13, 2010; the Affidavits of Mary Ellen McDonald sworn March 31 and April 22, 2010; the Affidavit of Serge G. Avakian sworn April 23, 2010; the Affidavit of Ira Finkelson sworn April 26, 2010; the Affidavit of Shigeru Kizawa sworn April 26, 2010; the Affidavit of Mario Schuler sworn April 26, 2010; the Affidavit of Thomas Edward Chandler sworn April 27, 2010; and the Affidavit of Mark Williams sworn April 27, 2010; all filed; and on hearing the submissions of counsel for the Airport Authorities; the Winnipeg Airports Authority; NAV Canada; the Aircraft Lessors; Thomas Cook Canada Inc.; and FTI Consulting Inc. in its capacity as Receiver of Skyservice Airlines Inc;

1. **THIS COURT ORDERS AND DECLARES** that the Applications of the GTAA, the OMCLAA and NAV Canada for aircraft seizure and detention orders are not affected by the stay, are granted and are to be enforceable up to the full amount owing to the GTAA, the OMCLAA and NAV Canada.
2. **THIS COURT ORDERS** that the motions brought by the Aircraft Lessors for the requested declaration in respect of the entitlements of the Airport Authorities and NAV Canada are hereby dismissed.
3. **THIS COURT ORDERS** that, if the parties are unable to reach agreement on costs, written submissions to a maximum of four pages may be filed by June 30, 2011 by the parties.

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

JUN 08 2011

PER/PAR:



Court File No.: CV-10-8647-00CL

**IN THE MATTER OF THE RECEIVERSHIP OF SKYSERVICE AIRLINES INC., of the City of Toronto, in the Province of Ontario**  
**AND IN THE MATTER OF AN APPLICATION** pursuant to Section 9 of the *Airport Transfer (Miscellaneous Matters) Act*, S.C. 1992, c.5 (Application by the Greater Toronto Airports Authority)  
**AND IN THE MATTER OF AN APPLICATION** pursuant to Section 56 of the *Civil Air Navigation Services Commercialization Act*, S.C. 1996, Chapter 20, as amended (Application by NAV Canada)

**COURT OF APPEAL FOR ONTARIO**

Proceeding Commenced at Toronto

**ORDER**

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