

Court File No. 23-1434

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
REGIONAL SENIOR
JUSTICE EDWARDS

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TUESDAY THE 29th
DAY OF AUGUST, 2023

B E T W E E N:



THE CORPORATION OF THE TOWN OF WASAGA BEACH

Applicant/Moving Party

and

PERSONS UNKNOWN

Respondents/Responding Parties

ORDER

THIS MOTION, made by the Corporation of the Town of Wasaga Beach was heard by video conference this day at the Court House, 75 Mulcaster Street, Barrie, Ontario.

UPON READING the Motion Record of the applicant and upon hearing oral argument of counsel for the applicant, and having regard to the urgency of the situation,

1. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Motion and the Motion Record is hereby abridged so that this Motion is properly returnable today.
2. **THIS COURT ORDERS** that an interlocutory and *quia timet* injunction is granted, pursuant to section 440 of the *Municipal Act*, and section 101 of the *Courts of Justice Act*.
3. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from directly or indirectly, by any means whatsoever breaching the Town of Wasaga Beach: By-law No. 2023-74, A By-Law to Prohibit Vehicular Nuisance Events.
4. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from attending and/or participating in the H2Oi car-rally, or any unauthorized car-rally scheduled to occur in the Town of Wasaga Beach from September 1-4, 2023.
5. **THIS COURT ORDERS** that any police officer with the Ontario Provincial Police (“OPP”) shall have authorization to arrest and remove any person who has knowledge of this Order and who the OPP have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order, subject to the discretion of the OPP with respect to the timing and means of enforcement.

6. **THIS COURT ORDERS** that the terms of this Order shall remain in force until varied or discharged by a further Order of the Court.

7. **THIS COURT ORDERS** that notice of this Order shall be given by the Town issuing a press release with a link to the Order. Additional notice of this Order may be given by:

- a. creation of a URL on the Town of Wasaga website whereby this Order can be viewed and downloaded;
- b. posting copies of this Order in or around Wasaga Beach;
- c. publishing this Order online on any social media accounts promoting and/or advertising the H2Oi car rally or related contraventions of the Town's by-laws;
- d. reading the Order to any person, including but not limited to reading the Order over an amplification system; and
- e. any other manner deemed appropriate by the Town of Wasaga beach or OPP.

8. **THIS COURT ORDERS** that this Order shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.

9. **THIS COURT ORDERS** that a party wishing to set this Order aside may bring a motion to do so with at least 24 hours' notice to the Town and the Court;

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10. **THIS COURT ORDERS** that the terms of this Order bind the respondents and every other person or legal entity who is subject to this Order and is given notice of the Order, as of the time such respondents, person or legal entity first receives notice of the Order, and whether or not such respondents, person or legal entity has been served with a copy of the Order.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid blue horizontal line.

(Signature of Judge)

THE CORPORATION OF THE TOWN OF WASAGA BEACH
Moving Party

-and-

PERSONS UNKNOWN
Responding Party

Court File No. CV-23-1434

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
BARRIE

ORDER

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