



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
*(Estates List)*

**IN THE MATTER OF The Law Society of Upper Canada,  
as Trustee for The Unclaimed Trust Fund**

# **Notice of Application to Pass Accounts**

This application to pass accounts will be heard on **Thursday, the 14<sup>th</sup> day of December, 2017 at 10:00 a.m.**, at 330 University Avenue, 8th Floor, Toronto, Ontario, if any person with a financial interest in the fund objects to the accounts or to the compensation claimed, or if a request for increased costs is served and filed.

The authorization for the creation of the Unclaimed Trust Fund was made effective February 1<sup>st</sup>, 1999 by sec. 59.6 of *The Law Society Act*, R.S.O 1990, c. L-8 as amended.

The accounts are for the period of July 1<sup>st</sup>, 2012 to June 30th, 2017.

The compensation claimed by the Trustee, payable out of the fund, is \$136,470.47.

If there is no hearing, no costs of the application are being claimed by the Trustee.

If there is no hearing, a person with a financial interest in the fund who retains a solicitor to review the accounts and makes no objection to them (or makes an objection and later withdraws it) but serves on the Trustee and files with the court a request for costs (Form 74.49 under the *Rules of Civil Procedure*), will be allowed one-half of the costs allowed to the Trustee. However, where two or more persons are represented by the same solicitor, they are entitled to receive only one person's costs.

If the Trustee or any person with a financial interest in the fund seeks costs of the application greater than the amount allowed in Tariff C, the Trustee or other person shall serve on every other party and file, with proof of service, a request for increased costs (Form 74.49.2 or 74.49.3 under the *Rules of Civil Procedure*), at least 10 days before the hearing date specified in this notice of application. In that case, the hearing shall proceed on the date specified.

Any person with a financial interest in the fund who wishes to object shall do so by serving upon the Trustee, or the solicitor for the Trustee, a notice of objection to accounts (Form 74.45 under the *Rules of Civil Procedure*, a copy of which is attached to this notice of application), and by filing a copy of the notice in the court office at least 20 days before the date fixed for the hearing.

At the hearing, the only issues upon which the court adjudicates are those raised in the notices of objection to accounts and requests for increased costs that have been filed, unless the court grants leave to a party to raise other issues.

If no notice of objection to accounts or request for increased costs is served and filed, the Trustee may, without a hearing, obtain a judgment passing the accounts and allowing the compensation and costs claimed.

Any person may contact the Trustee or the Trustee's solicitor to find out whether there will be a hearing. A copy of the accounts may be obtained from the Trustee or the Trustee's solicitor, or may be inspected in the court office during regular business hours.

**Date: August 25, 2017**

**“MITCHELL HODGES”**

Registrar

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