

**CITATION:** Sunlodges Ltd. v. United Republic of Tanzania, 2021 ONSC 2979  
**COURT FILE NO.:** CV-20-00648370-00CL  
**DATE:** 20210125

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** SUNLODGES LTD and SUNLODGES (T) LIMITED, Applicants (Moving Parties)

**AND:**

THE UNITED REPUBLIC OF TANZANIA, Respondent (Responding Party)

**BEFORE:** Koehnen, J.

**COUNSEL:** Nancy Roberts, Mark Sheely, Counsel, for the Applicants (Moving Parties)

The United Republic of Tanzania acting in person represented by Mr. Gabriel Pascoe-Malata, Dr. Mpoki Ulisbisya, Dr. Boniphace Luhende, and George Mandepo

**HEARD:** January 25, 2021

**ENDORSEMENT**

[1] A further case conference has been scheduled in this matter for Friday, January 29 at 7:30 AM Eastern time, 3:30 PM Eastern Africa time.

[2] I note that I do not have an email address for Mr. Gabriel Pascoe-Malata. I would ask one of his colleagues to ensure that this email endorsement comes to his attention.

[3] The parties have made substantial progress towards the resolution of this matter. The Mareva injunction will continue until further order of this court to permit the parties to complete the resolution of their differences.

[4] The United Republic of Tanzania (“Tanzania”) is now prepared to pay the full amount owing under the arbitral award. There is a difference between the parties about the precise amount owing. The applicant calculates it at USD \$22,816,808.52 as of today’s date with interest continuing to accrue at 7%, compounded annually. Tanzania believes the amount of the award is USD \$22,619,266.83. Both sides are to exchange the calculations on which they rely for the total amount of the judgment. If the parties cannot reach agreement, I will hear both sides on the issue at a further hearing on Friday, January 29 at 7:30 AM Toronto time, 3:30 PM for a time Eastern Africa time.

[5] The applicant seeks two cost awards: one for CDN \$122,456.95 for costs of the application and a second, additional amount of CDN \$54,369.49 for the comeback hearing on the Mareva injunction. Ms. Roberts should send cost outlines for both of those amounts to the representatives of Tanzania.

[6] Ms. Roberts will also make inquiries with the court accountant in order to provide Tanzania with whatever information it requires to make a wire transfer that to the court to satisfy the arbitral award.

[7] Ms. Roberts should also send a draft order to the representatives of Tanzania which reflects the following:

1. The arbitral award is recognized and enforceable as a judgement of this court.
2. Tanzania shall pay the agreed upon or adjudicated amount plus interest accumulating at the rate of \$ x per day into court to the credit of this action.
3. The court accountant shall pay that amount out to Osler Hoskin & Harcourt LLP in trust on the earliest date that they are able to do so.
4. The Mareva injunction will be lifted upon signing of the order and will be turned into a permanent injunction. The permanent injunction will remain in place until Osler Hoskin & Harcourt has received payment of funds out of court.
5. On consent, the applicant will discontinue its action against Tanzania in Québec on receipt of funds out of court and will also arrange for the dissolution of any interim orders issued in Québec against Tanzania at the applicant's request.

[8] I will remain at the parties' disposition to resolve any other issues that might arise before January 29.

---

Koehnen, J.

**Date:** January 25, 2021