

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) FRIDAY, THE 29th DAY
)
JUSTICE KOEHNEN) OF JANUARY, 2021

B E T W E E N:

SUNLODGES LTD AND SUNLODGES (T) LIMITED

Applicants

- and -

THE UNITED REPUBLIC OF TANZANIA

Respondent



**ORDER
(Recognition and Enforcement Order)**

THIS APPLICATION, made by the Applicants, Sunlodges Ltd and Sunlodges (T) Limited, for an order recognizing and enforcing an arbitral award, dated December 20, 2019 (as amended January 15, 2020) (the “**Arbitral Award**”), attached hereto as Schedule “A”, was heard this day by judicial videoconference via Zoom at Toronto, Ontario, due to the COVID-19 pandemic.

UPON HEARING from the Respondent, the United Republic of Tanzania, on January 25, 2021, that it consented to the relief sought in the Application and the only issues remaining were *quantum* and costs, and hearing the undertaking of the Applicants to discontinue the proceedings in Quebec after the amounts due under the Arbitral Award are received by Osler, Hoskin & Harcourt LLP.

AND UPON HEARING from counsel for the Applicants, the Respondent and counsel for De Havilland Aircraft of Canada Limited on the issues of *quantum* and costs, and noting the consent of the parties.

1. **THIS COURT ORDERS** that the Arbitral Award is hereby recognized and given full force and effect in Ontario pursuant to the *International Commercial Arbitration Act, 2017*, SO 2017, c 2, Sch 5.

2. **THIS COURT DECLARES** that, as of the date of this Order, the amount outstanding under the Arbitral Award, inclusive of interest, is US\$22,837,823.59.

3. **THIS COURT ORDERS** that the Applicants are entitled to their costs of the Application fixed in the amount of CAD\$176,826.44, payable forthwith.

4. **THIS COURT ORDERS** that the Respondent shall forthwith pay into Court to the credit of this Application, via wire transfer, the sum of US\$22,837,823.59, plus interest of US\$4,203.01 per day from the date of this Order until the day on which payment of the entire amount, inclusive of interest, is paid into Court.

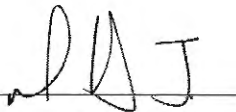
5. **THIS COURT ORDERS** that the Respondent shall forthwith pay into Court to the credit of this Application, via wire transfer, the sum of CAD\$176,826.44, plus post-judgment interest at the rate of 2% per annum from the date of this Order.

6. **THIS COURT ORDERS** that the Applicants shall provide the Accountant of the Superior Court with all information necessary to receive funds paid out of Court.

7. **THIS COURT ORDERS** that, upon receipt of the amounts referred to in paragraphs 4 and 5 and the information referred to in paragraph 6, the Accountant of the Superior Court shall pay out of Court to Osler, Hoskin & Harcourt LLP, in trust, via wire transfer, the amounts paid into Court (in the same currency as paid into Court, plus any interest accrued thereon and less any applicable fees) on the earliest date it is able to do so.

8. **THIS COURT ORDERS** that the interim Mareva injunction in the order issued by this Honourable Court on September 28, 2020, as previously extended on October 6, 2020 and November 9, 2020, further extended and amended on December 10, 2020, and further extended on January 12, 2021 and January 25, 2021, is hereby continued as a permanent injunction.

9. **THIS COURT ORDERS** that, upon receipt by Osler, Hoskin & Harcourt LLP of the amounts payable hereunder, the permanent injunction is lifted and the Applicants will discontinue their recognition and enforcement proceedings in Quebec and will take all steps necessary to terminate any interim orders obtained in Quebec against the Respondent in such proceedings.

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

JAN 29 2021

PER / PAR:

