

WeirFoulds successfully argues for interim injunction in The Real Jerk case

February 16, 2012

WeirFoulds LLP welcomed a decision this month by Justice Low of the Ontario Superior Court of Justice to award an interim injunction for the owner and operator of The Real Jerk, a Toronto-based restaurant. The ruling prevents the property's landlord from forcing the tenant to immediately vacate the premises.

The matter was brought before the court after the landlord served The Real Jerk with a 30-day eviction notice in December 2011. At issue was whether an over-holding tenant who stayed 11 years at the premises after the lease had expired could be evicted with only 30-days notice. WeirFoulds argued on behalf of The Real Jerk that it was over-holding on a yearly basis and deserved more notice before the tenancy could be terminated. The court agreed that there was a serious issue for trial and awarded the interim injunction.

According to the court ruling, the tenant can remain at the property until a trial is held or the matter is brought back before the court.

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