

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
MR. JUSTICE **GORDON I. THOMSON**

TUESDAY, THE 17th
DAY OF MAY, 2005

BETWEEN

FREDERICK JAMES BRANDIE and SHIRLEY ANN BRANDIE

Plaintiffs

and

SALVATORE DeSANTIS and MARINA ESTRELLA

Defendants

ORDER

THIS MOTION, made by the plaintiffs for immediate, interim, and interlocutory injunctive relief was heard this day at Windsor.

ON READING the Consent of the parties given by their solicitors, and the undertaking of the plaintiffs Brandie required by Rule 40.03 of the *Rules of Civil Procedure*,

1. THIS COURT ORDERS that, pending any further order, the defendants and each of them and any other person under the direction or control of either defendant be and the same are hereby immediately restrained from burning any wood, waste or other matter leading to the release of smoke from the defendants' residence known for municipal purposes as 540 Simcoe St. in the Town of Amherstburg.
2. THIS COURT ORDERS that nothing in the foregoing paragraph restrains the defendants from operating the natural gas fired central forced air furnace heating their premises, hot water heater, and cooking range serving their premises.
3. THIS COURT ORDERS that this motion be and the same is hereby adjourned *sine die* returnable on 3 days' notice to permit cross-examination on the affidavits filed and the examination of any witnesses on the pending motion as counsel may be advised.