

COURT FILE NO.: CV-25-00005748-0000

SUPERIOR COURT OF JUSTICE – ONTARIO
7755 Hurontario Street, Brampton ON L6W 4T6

RE: CAISSE DESJARDINS ONTARIO
CREDIT UNION INC., **Applicant**

AND:

MOY, Mats, and

MOY, Tymeca Chanelle, **Respondents**

BEFORE: Justice JUGINOVIC

COUNSEL: SARSH, Bart, for the Applicant
Email: bart.sarsh@gowlingwlq.com

, for the Third Party (Court Appointed Receiver)
Email:

HEARD: December 11, 2025, by video conference

ENDORSEMENT

- [1] The Applicant, Caisse Desjardins Ontario Credit Union Inc. seeks an order (the "Appointment Order") appointing msi Spergel Inc. ("Spergel") as receiver and manager (the "Receiver") pursuant to section 243 of the *Bankruptcy and Insolvency Act* (the "BIA") and section 101 of the *Courts of Justice Act* (the "CJA") without security, over property of Mats Moy and Tymeca Chanelle Moy (the "Debtors"), as described in Schedule "A" of the Appointment Order (the "Property").
- [2] As of June 9, 2025, the aggregate indebtedness due and owing by the Debtors to the Applicant was \$355,667.86 in addition to ongoing accrual of interest as set out in the Loan Agreement or Amendment excluding professional fees, disbursements and HST.

[3] The Respondent's (who are individuals), though not personally served, did respond to an email attaching the Applicant's application record and communicated that they would not be attending today's hearing. I therefore infer that the Respondents are not opposing the Application.

[4] Although the Property (a four unit residential property) is in Sudbury, the debtors live in Brampton and therefore the application is appropriately brought in this jurisdiction as it is based on the 'locality of the debtor'.

[5] Caisse is a secured creditor of the Debtors in respect of the Property and is therefore entitled to bring the Application under s. 243 of the BIA. Further, the Applicant has satisfied the Court's authority to appoint a receiver pursuant to s.243(1) of the BIA, in particular

- a. The Applicant issued the BIA 244 Notice and the notice period has expired without repayment of the Indebtedness.
- b. Spergel is qualified to act as Receiver and has consented to serving as Receiver in these proceedings.
- c. The Debtors are individuals who reside in Brampton Ontario.

[6] I have also considered the jurisprudence in which the factors the Court should consider in determining whether or not it is just or convenient to appoint a receiver is set out.

[7] Based on my review of the Application record and the submissions of counsel, I am satisfied that it is 'just and convenient' to appoint a receiver, and in particular, to appoint Spergel as Receiver.

[8] Draft Appointment Order to go.



Juginovic, J.

