



SUPERIOR COURT OF JUSTICE

**COUNSEL SLIP**

COURT FILE NO.: CV-23-00693494-00CL

DATE: July 13, 2023

REGISTRAR: Julietta Costa-Singh

NO. ON LIST: 1

TITLE OF PROCEEDING: TD BANK V 1871 BERKELEY INC

BEFORE JUSTICE: STEELE

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

Name of Person Appearing	Name of Party	Contact Info
Matilda Lici	Counsel for TD Bank	mlici@airdberlis.com
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**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
Jefferey Larry	Counsel for all the respondents	Jeff.larry@paliareroland.com

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
Wojtek Jaskiewicz	Counsel for Equitable Bank	wjaskiewicz@weirfoulds.com

## **ENDORSEMENT OF JUSTICE STEELE:**

1. The case conference heard today, July 7, 2023, via Zoom, had been scheduled at the motion that was adjourned on consent in March, 2023. At that motion, the parties came to a consent adjournment with certain terms with which the debtor had to comply. It was agreed that the receiver would be appointed on the return, if the terms were not met.
2. One of the terms of the consent was the sale of the property by July 5, 2023, which has not yet occurred. However, the debtor filed evidence prior to today's commitment of a \$12 million loan commitment that the debtor has secured. The loan commitment is scheduled to close on July 28, 2023, and the debtor requested an adjournment until that time.
3. TD Bank asked that the receivership proceed. The amount owing to TD is almost \$11 million. TD has concerns about priority payables to CRA, among others. It is unclear to TD whether the commitment will be sufficient to cover any priority payables and repay TD.
4. I determined that the Order shall be made appointing the Receiver. However, it will not be effective until July 31, 2023, unless the priority payables have been addressed to TD's satisfaction and TD has been repaid in full on or before July 28, 2023.

A handwritten signature in blue ink, appearing to be "J. Steele", is located in the lower right quadrant of the page. The signature is fluid and cursive, with a horizontal line extending to the right from the end of the name.