

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

BETWEEN:

**ROYAL BANK OF CANADA**

Applicant

and

**PEACE BRIDGE DUTY FREE INC.**

Respondent

APPLICATION UNDER SUBSECTION 243(1) OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C.  
1985, c. B-3, AS AMENDED AND SECTION 101 OF THE COURTS OF JUSTICE  
ACT, R.S.O. 1990, c. C.43, AS AMENDED

**AFFIDAVIT OF JULIE MAH**  
(Sworn 24 November 2022)

**I, JULIE MAH** of the City of Markham, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a Legal Administrative Assistant with the law firm of Gowling WLG (Canada) LLP, lawyers for Buffalo and Fort Erie Public Bridge Authority. As such, I have knowledge of the following matters.
2. Attached as Exhibit A is a true copy of Justice Kimmel's Endorsement from 6 October 2022.
3. Attached as Exhibit B is a true copy of a chain of e-mails ending on 6 October 2022.
4. Attached as Exhibit C is a true copy of a chain of e-mails ending on 26 October 2022.
5. Attached as Exhibit D is a true copy of a chain of e-mail ending on 4 November 2022.

6. Attached as Exhibit E is a true copy of a chain of e-mails ending on 12 November 2022.
7. Attached as Exhibit F is a true copy of the e-mail from Blaney McMurtry on 13 November 2022 attaching PBDF's Affidavit responding to the Authority's Motion and its Cross-Motion

**SWORN BEFORE ME** at the City of Toronto, in the  
Province of Ontario on  
24 November, 2022

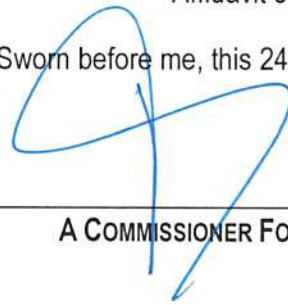
Commissioner for Taking Affidavits  
**E. PATRICK SHEA**

  
\_\_\_\_\_  
**JULIE MAH**

This is Exhibit "A" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022

A handwritten signature in blue ink, consisting of a large, stylized 'S' or 'J' shape with a loop, positioned over the signature line.

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A COMMISSIONER FOR TAKING AFFIDAVITS



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-21-00673084-00CL DATE: 6 October 2022

NO. ON LIST: \_\_\_\_\_

TITLE OF PROCEEDING: **ROYAL BANK OF CANADA v. PEACE BRIDGE DUTY FREE  
INC.**

BEFORE JUSTICE: **MADAM JUSTICE KIMMEL**

**PARTICIPANT INFORMATION**

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

Name of Person Appearing	Name of Party	Contact Info
SANJEEV MITRA	ROYAL BANK OF CANADA	smitra@airdberlis.com

**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
PATRICK SHEA	PEACE BRIDGE AUTHORITY	Patrick.shea@gowlingwlg.com
DAVID ULLMAN	PEACE BRIDGE DUTY FREE INC.	dullmann@blaney.com

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
LEANNE WILLIAMS	MONITOR	williams@tgf.ca

---

**ENDORSEMENT OF JUSTICE KIMMEL:**

1. A monitor has been appointed in respect of Peace Bridge Duty Free Inc. (the “tenant”) and a stay of proceedings was included in the appointment order.
2. The landlord, Peace Bridge Authority, wishes to schedule a motion in which it will seek leave to lift the stay of proceedings and various relief said to arise out of alleged historic and continuing breaches of the lease by the tenant. Its motion materials have been served.
3. The tenant has advised that there is a dispute about the proper interpretation of the lease and the calculation of rent payable, which in turn will form part of its response to the landlord’s motion. Further, to ensure that the determination of rent due and payable under the lease is properly before the court, the tenant anticipates a cross-motion for declaratory relief regarding the rent owing under the lease.
4. A half day hearing has been scheduled in this matter on December 9, 2022 commencing at 10:00 a.m. The start time should be confirmed with the commercial list office prior to the hearing date.
5. The tenant proposed a timetable for the exchange of materials for this motion and cross-motion. That timetable was not agreed to by the landlord and has not been provided to the court. Now that the motion date has been set, the parties are directed to work out a timetable that ensures that all pre-hearing steps have been completed, including focused cross-examinations, if necessary, and the exchange of facts, such that all materials are available and uploaded onto CaseLines at least four business days prior to the hearing date.
6. The tenant proposed a mediation as part of its timetable. The landlord has not agreed to a mediation and is concerned that it will delay the hearing of the motion(s). The court is not going to order the parties to attend a mediation between now and December 9, 2022 in a circumstance where one of the parties is not a willing participant, but encourages the parties to consider whether a mediation might prove fruitful after they have completed some of the pre-hearing steps, if time permits.
7. The Royal Bank of Canada will be seeking to move forward with its application for the appointment of a receiver for the tenant if the lease is invalidated. Counsel asked that this motion for the appointment of a receiver be scheduled to return on December 9, 2022 as well. If this is on consent or not opposed that may be something that can be put before the court on this return date. However, it is not realistic to expect that there will be sufficient time on December 9, 2022 for the court to also hear a contested receivership motion. If there are concerns arising from the request for the lifting of the stay of proceedings that tie into the receivership motion, the parties are encouraged to work out an agreement to preserve their respective positions so that the request for the stay to be lifted does not prejudice RBC in connection with any subsequent motion for the appointment of a receiver.
8. If the concerns of the Royal Bank cannot be worked out and a date is needed for a contested motion to appoint a receiver and interim relief to cover the period between December 9, 2022 and that subsequent motion date, the parties may request a further 9:30 scheduling appointment to address these further considerations, which should come before me if my schedule permits.

A handwritten signature in black ink, appearing to read "Kimmel J.", with a stylized flourish at the end.

KIMMEL J.

This is Exhibit "B" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022



---

A COMMISSIONER FOR TAKING AFFIDAVITS

## Shea, Patrick

---

**From:** Shea, Patrick  
**Sent:** October-06-22 10:04 AM  
**To:** David T. Ullmann; John C. Wolf  
**Cc:** 'LWilliams@tgf.ca'; 'smitra@airdberlis.com'  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

So you have our Affidavit—I'll deliver the Motion Record today. How soon can you get us your Affidavit? I'm assuming you will put in a single Affidavit both in response to our Motion and in support of your cross-Motion. We will need only a week to provide any Responding Affidavit. We can then schedule cross-examinations, if you want to do that, over 2 days—one day for each Affiant.

E. Patrick Shea, LSM (he/him)  
*Partner*  
T +1 416 369 7399  
patrick.shea@gowlingwlg.com



---

**From:** David T. Ullmann <DULLmann@blaney.com>  
**Sent:** October-06-22 8:49 AM  
**To:** Shea, Patrick <Patrick.Shea@ca.gowlingwlg.com>; John C. Wolf <jwolf@blaney.com>  
**Cc:** 'LWilliams@tgf.ca' <LWilliams@tgf.ca>; 'smitra@airdberlis.com' <smitra@airdberlis.com>  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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---

Good Morning Patrick,

We of course object to you filing this document or expecting the court to consider same given that you chose to file it on Yom Kippur and in any event less than a day before the motion. We also object to any relief being sought or granted today other than scheduling, which is the purpose of the hearing. In that regard, can you please provide me with your proposed amendments, if any, to the schedule set out in John's email below.

Regards,

David

David T. Ullmann  
Partner  
[dullmann@blaney.com](mailto:dullmann@blaney.com)  
☎ 416-596-4289 | ☎ 416-594-2437

---

**From:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>  
**Sent:** October 5, 2022 5:01 PM  
**To:** John C. Wolf <jwolf@blaney.com>  
**Cc:** 'LWilliams@tgf.ca' <LWilliams@tgf.ca>; 'smitra@airdberlis.com' <smitra@airdberlis.com>; David T. Ullmann <DULLmann@blaney.com>  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

Attached is the Aide Memoire that we intend to load onto Caselines for the purposes of the 0930 attendance tomorrow.

**From:** Gail Fairhart <[gfairhart@blaney.com](mailto:gfairhart@blaney.com)> **On Behalf Of** John C. Wolf

**Sent:** October-05-22 3:19 PM

**To:** Shea, Patrick <[Patrick.Shea@ca.gowlingwlg.com](mailto:Patrick.Shea@ca.gowlingwlg.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>; David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

**Subject:** Peace Bridge Duty Free Inc. ("PBDf") and Peace Bridge Authority ("PBA")

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---

Patrick,

As you know, David is away today for the Jewish Holiday but I wanted to write to you in advance of the scheduling appearance tomorrow.

We have had a chance to consider your motion with our client. We propose the following schedule for tomorrow. As you can see below, our current instructions, following receipt of your motion and assuming it remains as drafted, are to consider bringing a cross motion to determine the disputed sections of the lease, and in particular, whether or not any amounts are owing. Presumably you will need to respond to that. We also expect the Bank will respond to that as well and it will need to update its receivership materials in any event.

We also are of the view that the court should order the parties to attend a mediation to attempt to resolve this issue. The reasonable time for such a mediation would be after the "pleadings" have closed but before the parties spend money and time on the cross examinations.

1. Landlord finalize and serve materials by October 11<sup>th</sup>, 2022
2. Tenant to file responding affidavit and cross application by November 4<sup>th</sup>, 2022
3. Landlord to file responding materials by November 30<sup>th</sup>, 2022
4. RBC to file updated materials by December 15<sup>th</sup>, 2022
5. Parties to agree to select and engage a mediator before October 31<sup>st</sup> for a mediation to be held in January 2023
6. Case conference, subject to judicial availability the week of January 3<sup>rd</sup>, 2023 to schedule next steps.

Please copy David on your reply. We have advised the Bank of this approach and they are willing to proceed on this basis provided their receivership continues to be returnable upon the hearing of this matter.

Regards,

John

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**Blaney  
McMurtry** 2 Queen Street East | Suite 1500  
Toronto, Ontario M5C 3G5

---

John C. Wolf  
Partner



[jwolf@blaney.com](mailto:jwolf@blaney.com)

📞 416-593-2994 | 📠 416-596-2044

🌐 Blaney.com



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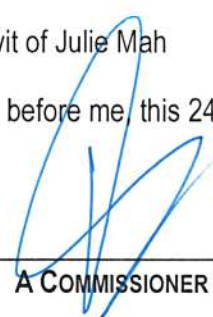
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This is Exhibit "C" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022



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A COMMISSIONER FOR TAKING AFFIDAVITS

## Shea, Patrick

---

**From:** Shea, Patrick  
**Sent:** October-26-22 2:12 PM  
**To:** Leanne Williams  
**Cc:** Sanj Mitra; David T. Ullmann; John C. Wolf  
**Subject:** Re: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

We have heard nothing from PBDF as to the delivery of materials or their cross-motion.

Sent from my iPhone

On Oct 26, 2022, at 13:58, Leanne Williams <LWilliams@tgf.ca> wrote:

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All,

Has a timetable been worked out for the hearing on December 9th? On behalf of the Monitor, we advised the Court that we would work with the parties if necessary to create an appropriate timetable. We remain happy to assist.

Leanne



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | [www.tgf.ca](http://www.tgf.ca)

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**From:** Leanne Williams <LWilliams@tgf.ca>  
**Sent:** Friday, October 21, 2022 8:52 AM  
**To:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>; Sanj Mitra <smitra@airdberlis.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>  
**Subject:** Re: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

Thanks Patrick.



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | [www.tgf.ca](http://www.tgf.ca)

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**From:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>  
**Sent:** Friday, October 21, 2022 8:13:49 AM  
**To:** Leanne Williams <LWilliams@tgf.ca>; Sanj Mitra <smitra@airdberlis.com>; David T. Ullmann

<DULLmann@blaney.com>; John C. Wolf <jwolf@blaney.com>

**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

Here it is.....Still waiting for PBDF to advise when they will deliver their materials.

E. Patrick Shea, LSM (he/him)

*Partner*

T +1 416 369 7399

[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



---

**From:** Leanne Williams <LWilliams@tgf.ca>

**Sent:** October-20-22 10:52 PM

**To:** Sanj Mitra <smitra@airdberlis.com>; Shea, Patrick <Patrick.Shea@ca.gowlingwlg.com>; David T. Ullmann <DULLmann@blaney.com>; John C. Wolf <jwolf@blaney.com>

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---

All,

I may have missed it but did Justice Kimmel issue an endorsement from the hearing with the motion date?

Leanne



Leanne M. Williams | [LWilliams@tgf.ca](mailto:LWilliams@tgf.ca) | Direct Line +1 416 304 0060 | Suite 3200, TD West Tower, 100 Wellington Street West  
P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | [www.tgf.ca](http://www.tgf.ca)

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**From:** Sanj Mitra <smitra@airdberlis.com>

**Sent:** Thursday, October 6, 2022 11:34 AM

**To:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>; David T. Ullmann <DULLmann@blaney.com>; John C. Wolf <jwolf@blaney.com>

**Cc:** Leanne Williams <LWilliams@tgf.ca>; Sanj Mitra <smitra@airdberlis.com>

**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

Since the Court did not deal with the scheduling of the Receivership application today, I will likely have to arrange another scheduling hearing if satisfactory arrangements cannot be worked out between us. I have spoken to both David and Patrick and presently it is unclear whether we will be able to come to an arrangement acceptable to all parties.

In order to deal with this in a practical manner, I am going to review David's materials once served and then consider how to proceed. I may have to respond to the motions being brought by both the parties. Please factor this in to the scheduling.

Thanks

Sanj

**Sanjeev Mitra**  
**Aird & Berlis LLP**

T 416.865.3085

E [smitra@airdberlis.com](mailto:smitra@airdberlis.com)

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If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.

**From:** Shea, Patrick <[Patrick.Shea@gowlingwlg.com](mailto:Patrick.Shea@gowlingwlg.com)>

**Sent:** October 6, 2022 10:04 AM

**To:** David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; Sanj Mitra <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>

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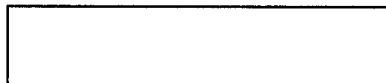
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E. Patrick Shea, LSM (he/him)

*Partner*

T +1 416 369 7399

[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



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**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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Regards,

David

David T. Ullmann

Partner

[dullmann@blaney.com](mailto:dullmann@blaney.com)

☎ 416-596-4289 | ☎ 416-594-2437

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**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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**From:** Gail Fairhart <[gfairhart@blaney.com](mailto:gfairhart@blaney.com)> **On Behalf Of** John C. Wolf

**Sent:** October-05-22 3:19 PM

**To:** Shea, Patrick <[Patrick.Shea@ca.gowlingwlg.com](mailto:Patrick.Shea@ca.gowlingwlg.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>; David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

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We have had a chance to consider your motion with our client. We propose the following schedule for tomorrow. As you can see below, our current instructions, following receipt of your motion and assuming it remains as drafted, are to consider bringing a cross motion to determine the disputed sections of the lease, and in particular, whether or not any amounts are owing. Presumably you will need to respond to that. We also expect the Bank will respond to that as well and it will need to update its receivership materials in any event.

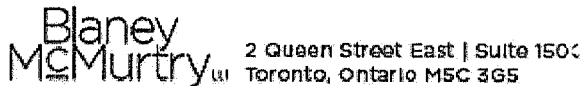
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6. Case conference, subject to judicial availability the week of January 3<sup>rd</sup>, 2023 to schedule next steps.

Please copy David on your reply. We have advised the Bank of this approach and they are willing to proceed on this basis provided their receivership continues to be returnable upon the hearing of this matter.

Regards,

John



John C. Wolf  
Partner

[jwolf@blaney.com](mailto:jwolf@blaney.com)

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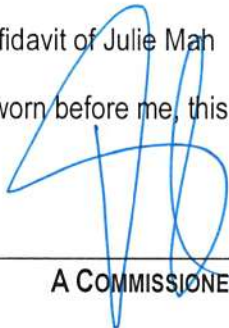
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This is Exhibit "D" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a cursive 'M'.

---

A COMMISSIONER FOR TAKING AFFIDAVITS



**Shea, Patrick**

---

**From:** Shea, Patrick  
**Sent:** November-04-22 7:05 PM  
**To:** David T. Ullmann  
**Cc:** Leanne Williams; Sanj Mitra; John C. Wolf  
**Subject:** Re: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

Thank you. I believe that Her Honour reflected that your schedule was not acceptable to us. It is now effectively less than a month before the return of our Motion. We reached out re a schedule and heard nothing until today.

Sent from my iPhone

On Nov 4, 2022, at 17:20, David T. Ullmann <DUllmann@blaney.com> wrote:

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---

As you will recall, we had proposed a schedule which would have included that we were to deliver materials this week, but nothing was agreed to or ordered. At this point, although we are working on them, those materials are not complete. We intend to deliver them next week.

Regards,

David

David T. Ullmann  
Partner

dullmann@blaney.com  
① 416-596-4289 | ② 416-594-2437

**From:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>  
**Sent:** October 26, 2022 2:12 PM  
**To:** Leanne Williams <LWilliams@tgf.ca>  
**Cc:** Sanj Mitra <smitra@airdberlis.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>  
**Subject:** Re: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

We have heard nothing from PBDF as to the delivery of materials or their cross-motion.

Sent from my iPhone

On Oct 26, 2022, at 13:58, Leanne Williams <LWilliams@tgf.ca> wrote:

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---

All,

Has a timetable been worked out for the hearing on December 9th? On behalf of the Monitor, we advised the Court that we would work with the parties if necessary to create an appropriate timetable. We remain happy to assist.

Leanne



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | [www.tgf.ca](http://www.tgf.ca)  
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**From:** Leanne Williams <LWilliams@tgf.ca>  
**Sent:** Friday, October 21, 2022 8:52 AM  
**To:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>; Sanj Mitra <smitra@airdberlis.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>  
**Subject:** Re: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

Thanks Patrick.



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | [www.tgf.ca](http://www.tgf.ca)  
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**Sent:** Friday, October 21, 2022 8:13:49 AM  
**To:** Leanne Williams <LWilliams@tgf.ca>; Sanj Mitra <smitra@airdberlis.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

Here it is.....Still waiting for PBDF to advise when they will deliver their materials.

E. Patrick Shea, LSM (he/him)  
*Partner*  
T +1 416 369 7399  
[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



---

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**Sent:** October-20-22 10:52 PM  
**To:** Sanj Mitra <smitra@airdberlis.com>; Shea, Patrick

<Patrick.Shea@ca.gowlingwlg.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>

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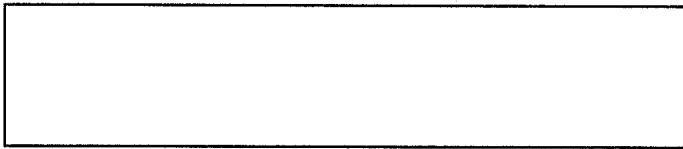
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---

All,

I may have missed it but did Justice Kimmel issue an endorsement from the hearing with the motion date?

Leanne



Leanne M. Williams | | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | Suite 3200, TD West Tower, 100 Wellington St  
P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | www.tgf.ca

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---

**From:** Sanj Mitra <smitra@airdberlis.com>

**Sent:** Thursday, October 6, 2022 11:34 AM

**To:** Shea, Patrick <Patrick.Shea@gowlingwlg.com>; David T. Ullmann <DUllmann@blaney.com>; John C. Wolf <jwolf@blaney.com>

**Cc:** Leanne Williams <LWilliams@tgf.ca>; Sanj Mitra <smitra@airdberlis.com>

**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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In order to deal with this in a practical manner, I am going to review David's materials once served and then consider how to proceed. I may have to respond to the motions being brought by both the parties. Please factor this in to the scheduling.

Thanks

Sanj

**Sanjeev Mitra**  
**Aird & Berlis LLP**

T 416.865.3085  
E [smitra@airdberlis.com](mailto:smitra@airdberlis.com)

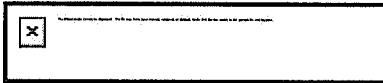
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**From:** Shea, Patrick <[Patrick.Shea@gowlingwlg.com](mailto:Patrick.Shea@gowlingwlg.com)>  
**Sent:** October 6, 2022 10:04 AM  
**To:** David T. Ullmann <[DUllmann@blaney.com](mailto:DUllmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>  
**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; Sanj Mitra <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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So you have our Affidavit—I'll deliver the Motion Record today. How soon can you get us your Affidavit? I'm assuming you will put in a single Affidavit both in response to our Motion and in support of your cross-Motion. We will need only a week to provide any Responding Affidavit. We can then schedule cross-examinations, if you want to do that, over 2 days—one day for each Affiant.

E. Patrick Shea, LSM (he/him)  
*Partner*  
T +1 416 369 7399  
[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



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**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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Good Morning Patrick,

We of course object to you filing this document or expecting the court to consider same given that you chose to file it on Yom Kippur and in any event less than a day before the motion. We also object to any relief being sought or granted today other than scheduling, which is the purpose of the hearing. In that regard, can you please provide me with your proposed amendments, if any, to the schedule set out in John's email below.

Regards,

David

David T. Ullmann

Partner

[dullmann@blaney.com](mailto:dullmann@blaney.com)

416-596-4289 | 416-594-2437

**From:** Shea, Patrick <[Patrick.Shea@gowlingwlg.com](mailto:Patrick.Shea@gowlingwlg.com)>

**Sent:** October 5, 2022 5:01 PM

**To:** John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>; David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>

**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

Attached is the Aide Memoire that we intend to load onto Caselines for the purposes of the 0930 attendance tomorrow.

**From:** Gail Fairhart <[gfairhart@blaney.com](mailto:gfairhart@blaney.com)> **On Behalf Of** John C. Wolf

**Sent:** October-05-22 3:19 PM

**To:** Shea, Patrick <[Patrick.Shea@ca.gowlingwlg.com](mailto:Patrick.Shea@ca.gowlingwlg.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>; David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

**Subject:** Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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---

Patrick,

As you know, David is away today for the Jewish Holiday but I wanted to write to you in advance of the scheduling appearance tomorrow.

We have had a chance to consider your motion with our client. We propose the following schedule for tomorrow. As you can see below, our current instructions, following receipt of your motion and assuming it remains as drafted, are to consider bringing a cross motion to determine the disputed sections of the lease, and in particular, whether or not any amounts are owing. Presumably you will need to respond to that. We also expect the Bank will respond to that as well and it will need to update its receivership materials in any event.

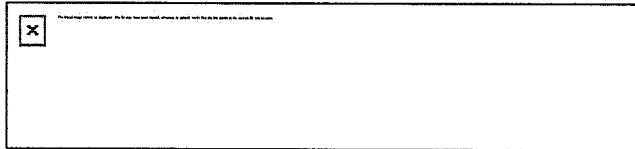
We also are of the view that the court should order the parties to attend a mediation to attempt to resolve this issue. The reasonable time for such a mediation would be after the "pleadings" have closed but before the parties spend money and time on the cross examinations.

1. Landlord finalize and serve materials by October 11<sup>th</sup>, 2022
2. Tenant to file responding affidavit and cross application by November 4<sup>th</sup>, 2022
3. Landlord to file responding materials by November 30<sup>th</sup>, 2022
4. RBC to file updated materials by December 15<sup>th</sup>, 2022
5. Parties to agree to select and engage a mediator before October 31<sup>st</sup> for a mediation to be held in January 2023
6. Case conference, subject to judicial availability the week of January 3<sup>rd</sup>, 2023 to schedule next steps.

Please copy David on your reply. We have advised the Bank of this approach and they are willing to proceed on this basis provided their receivership continues to be returnable upon the hearing of this matter.

Regards,

John

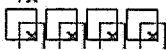


John C. Wolf  
Partner

[jwolf@blaney.com](mailto:jwolf@blaney.com)

☐ 416-593-2994 | ☐ 416-596-2044

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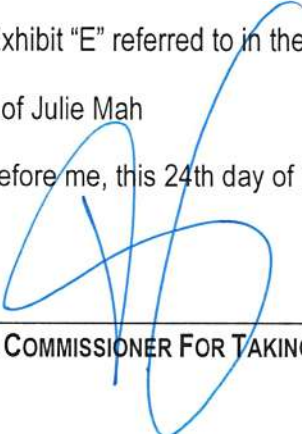
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This is Exhibit "E" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022



---

A COMMISSIONER FOR TAKING AFFIDAVITS

## Shea, Patrick

---

**From:** Sanj Mitra <smitra@airdberlis.com>  
**Sent:** November-12-22 9:58 AM  
**To:** David T. Ullmann; Shea, Patrick; Leanne Williams; Jeremy Nemers  
**Cc:** John C. Wolf; Sanj Mitra  
**Subject:** RE: Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA") [IMAN-CLIENT.FID151630]

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David, I have not seen your materials nor have I heard back from you regarding my email of last week.

At this stage, we have no arrangements in place to protect my client if Patrick is successful on his motion. I will be seeking to schedule a scheduling motion before Justice Kimmel as per her last endorsement.

Jeremy, would you please contact the Commercial List office to canvass dates for a scheduling motion before Justice Kimmel before December 9, 2022.

Thanks

Sanj

**Sanjeev Mitra**  
**Aird & Berlis LLP**

T 416.865.3085  
E [smitra@airdberlis.com](mailto:smitra@airdberlis.com)

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If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.

**From:** David T. Ullmann <DULLmann@blaney.com>  
**Sent:** November 4, 2022 5:20 PM  
**To:** 'Shea, Patrick' <Patrick.Shea@gowlingwlg.com>; Leanne Williams <LWilliams@tgf.ca>  
**Cc:** Sanj Mitra <smitra@airdberlis.com>; John C. Wolf <jwolf@blaney.com>  
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As you will recall, we had proposed a schedule which would have included that we were to deliver materials this week, but nothing was agreed to or ordered. At this point, although we are working on them, those materials are not complete. We intend to deliver them next week.

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David

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Partner  
[dullmann@blaney.com](mailto:dullmann@blaney.com)  
📞 416-596-4289 | 📠 416-594-2437



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Sent from my iPhone

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Leanne



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | www.tgf.ca

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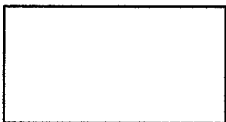
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Thanks Patrick.



Leanne M. Williams | LWilliams@tgf.ca | Direct Line +1 416 304 0060 | www.tgf.ca

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Here it is.....Still waiting for PBDF to advise when they will deliver their materials.

E. Patrick Shea, LSM (he/him)  
*Partner*  
T +1 416 369 7399  
[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



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Leanne M. Williams | | [LWilliams@tgf.ca](mailto:LWilliams@tgf.ca) | Direct Line +1 416 304 0060 | Suite 3200, TD West Tower, 100 Wellington Street West  
P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | [www.tgf.ca](http://www.tgf.ca)

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Thanks

Sanj

**Sanjeev Mitra**  
**Aird & Berlis LLP**

**T 416.865.3085**

**E [smitra@airdberlis.com](mailto:smitra@airdberlis.com)**

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E. Patrick Shea, LSM (he/him)

*Partner*

T +1 416 369 7399

[patrick.shea@gowlingwlg.com](mailto:patrick.shea@gowlingwlg.com)



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Regards,

David

David T. Ullmann

Partner

[dullmann@blaney.com](mailto:dullmann@blaney.com)

T 416-596-4289 | F 416-594-2437

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**From:** Gail Fairhart <[gfairhart@blaney.com](mailto:gfairhart@blaney.com)> **On Behalf Of** John C. Wolf

**Sent:** October-05-22 3:19 PM

**To:** Shea, Patrick <[Patrick.Shea@ca.gowlingwlg.com](mailto:Patrick.Shea@ca.gowlingwlg.com)>

**Cc:** 'LWilliams@tgf.ca' <[LWilliams@tgf.ca](mailto:LWilliams@tgf.ca)>; 'smitra@airdberlis.com' <[smitra@airdberlis.com](mailto:smitra@airdberlis.com)>; David T. Ullmann <[DULLmann@blaney.com](mailto:DULLmann@blaney.com)>; John C. Wolf <[jwolf@blaney.com](mailto:jwolf@blaney.com)>

**Subject:** Peace Bridge Duty Free Inc. ("PBDF") and Peace Bridge Authority ("PBA")

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Patrick,

As you know, David is away today for the Jewish Holiday but I wanted to write to you in advance of the scheduling appearance tomorrow.

We have had a chance to consider your motion with our client. We propose the following schedule for tomorrow. As you can see below, our current instructions, following receipt of your motion and assuming it remains as drafted, are to consider bringing a cross motion to determine the disputed sections of the lease, and in particular, whether or not any amounts are owing. Presumably you will need to respond to that. We also expect the Bank will respond to that as well and it will need to update its receivership materials in any event.

We also are of the view that the court should order the parties to attend a mediation to attempt to resolve this issue. The reasonable time for such a mediation would be after the "pleadings" have closed but before the parties spend money and time on the cross examinations.

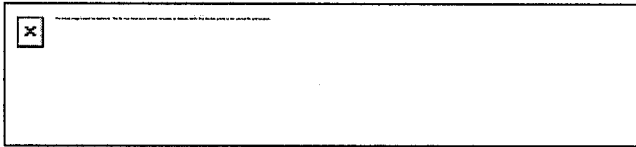
1. Landlord finalize and serve materials by October 11<sup>th</sup>, 2022
2. Tenant to file responding affidavit and cross application by November 4<sup>th</sup>, 2022
3. Landlord to file responding materials by November 30<sup>th</sup>, 2022
4. RBC to file updated materials by December 15<sup>th</sup>, 2022

5. Parties to agree to select and engage a mediator before October 31<sup>st</sup> for a mediation to be held in January 2023
6. Case conference, subject to judicial availability the week of January 3<sup>rd</sup>, 2023 to schedule next steps.

Please copy David on your reply. We have advised the Bank of this approach and they are willing to proceed on this basis provided their receivership continues to be returnable upon the hearing of this matter.

Regards,

John

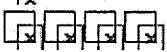


John C. Wolf  
Partner

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This is Exhibit "F" referred to in the

Affidavit of Julie Mah

Sworn before me, this 24th day of November, 2022



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A COMMISSIONER FOR TAKING AFFIDAVITS

## Shea, Patrick

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**From:** Brendan Jones <BJones@blaney.com>  
**Sent:** November-13-22 7:35 PM  
**To:** smitra@airdberlis.com; jnemers@airdberlis.com; lwilliams@tgf.ca; Stanek, Chris; Shea, Patrick; mmanchanda@spergel.ca  
**Cc:** David T. Ullmann; John C. Wolf  
**Subject:** Peace Bridge Duty Free Inc. and Royal Bank of Canada and Peace Bridge Authority  
**Attachments:** 2022-11-13 Affidavit of Jim Pearce (sworn).pdf; 2022-11-13 Notice of Motion.pdf

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Good evening,

Attached please find Peace Bridge Duty Free Inc.'s notice of cross-motion and the affidavit of Jim Pearce sworn November 13<sup>th</sup>, 2022 (without exhibits).

Due to the size of the file the affidavit with exhibits may be downloaded using this link: [https://blaney0-my.sharepoint.com/:f/g/personal/bjones\\_blaney\\_com/Ept67HTHJm1Dq\\_o\\_linG-HABsw-QQN9QDgsmtp6UQQg8kA?e=sci38u](https://blaney0-my.sharepoint.com/:f/g/personal/bjones_blaney_com/Ept67HTHJm1Dq_o_linG-HABsw-QQN9QDgsmtp6UQQg8kA?e=sci38u)

Peace Bridge Duty Free Inc.'s formal motion record will be served early this week.

Regards,

 2 Queen Street East | Suite 1500  
Toronto, Ontario M5C 3G5

---

Brendan Jones  
Partner

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**ROYAL BANK OF CANADA**  
Applicant

-and- **PEACE BRIDGE DUTY FREE INC.**  
Respondent

Court File No. CV-21-00673084-00CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
TORONTO

**AFFIDAVIT OF JULIE MAH**  
(Sworn 24 November 2022)

**GOWLING WLG (CANADA) LLP**  
Barristers & Solicitors  
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Lawyers for Buffalo and Fort Erie Public Bridge Authority