



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-21-00673084-00CL

DATE: February 14, 2025

NO. ON LIST: 1

TITLE OF PROCEEDING: ROYAL BANK OF CANADA v. PEACE BRIDGE DUTY FREE INC  
BEFORE: JUSTICE KIMMEL

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**PARTICIPANT INFORMATION**

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

Name of Person Appearing	Name of Party	Contact Info
Sanj Mitra	Royal Bank of Canada	<a href="mailto:smitra@airdberlis.com">smitra@airdberlis.com</a>
Cristian Delfino	Royal Bank of Canada	<a href="mailto:cdelfino@airdberlis.com">cdelfino@airdberlis.com</a>

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

Name of Person Appearing	Name of Party	Contact Info
Anisha Samat	Peace Bridge Duty Free Inc.	<a href="mailto:asamat@blaney.com">asamat@blaney.com</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
E. Patrick Shea	<i>Landlord</i> - Peace Bridge Authority	<a href="mailto:patrick.shea@gowlingwlg.com">patrick.shea@gowlingwlg.com</a>
Rushi Chakrabarti	<i>Receiver</i> - MSI Spergel Inc.	<a href="mailto:rchakrabarti@tgf.ca">rchakrabarti@tgf.ca</a>

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## **ENDORSEMENT OF JUSTICE KIMMEL:**

- [1] Pursuant to the court's Endorsement dated April 19, 2024, the within receivership application was adjourned to a date to be set at a case conference to be scheduled before me on no less than 3 days' notice, upon the earlier of:
  - a. a binding settlement having been reached between [The Buffalo and Fort Erie Public Bridge Authority (the "Landlord")] and [Peace Bridge Duty Free Inc. (the "Debtor")] which is satisfactory to RBC; or
  - b. the Appeal currently pending before the Court of Appeal in this proceeding being decided by the Court of Appeal.
- [2] On January 27, 2025, the Court of Appeal released its decision in *Royal Bank of Canada v. Peace Bridge Duty Free Inc.*, 2025 ONCA 54, dismissing the Debtor's appeal.
- [3] The applicant requests that the receivership application now be re-scheduled. Although the applicant suggests that this application will not be opposed and that it will not require more than 15 minutes of court hearing time, and the respondent apparently agreed to that time estimate, the respondent intends to file a brief supplementary affidavit updating the court about its financial situation and to make brief submissions at the hearing. The application has been scheduled for a 30 minute hearing on March 27, 2025 commencing at 10:00 a.m. by zoom.
- [4] The participating parties shall adhere to the following pre-hearings steps for this receivership application:
  - a. the respondent's supplementary application record shall be delivered by February 28, 2025;
  - b. cross-examinations, if requested, on the supplementary evidence delivered by the respondent to be completed by March 12, 2025;
  - c. applicant's moving factum to be delivered by March 19, 2025;
  - d. responding factum to be delivered by March 24, 2025;
  - e. reply factum (in appropriate in accordance with the Consolidated Commercial List Practice Direction) to be delivered by March 26, 2025 at 12:00 p.m.
  - f. all material (including previous filings as well, which the applicant shall be responsible for uploading) to be served, filed and uploaded into the appropriate hearing bundle in Case Center by no later than 2:30 p.m. on March 26, 2025; and

g. the parties may agreed to adjust the timetable for pre-hearing steps as long as the last deadline of March 26, 2205 at 2:30 p.m. is met.

- [5] This endorsement and the orders and directions contained in it shall have the immediate effect of a court order without the necessity of a formal order being taken out.

A handwritten signature in dark ink, appearing to read "Kimmel J.", with a stylized, cursive script.

KIMMEL J.