

ONTARIO

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

THE HONOURABLE )  
MR JUSTICE PENNY ) THURSDAY, THE 6<sup>TH</sup> DAY  
OF JUNE, 2019

B E T W E E N :

DUCA FINANCIAL SERVICES CREDIT UNION LTD.

Applicant

- and -

2203284 ONTARIO INC.

Respondent

**ORDER**

THIS MOTION, made by msi Spergel Inc. in its capacity as the Court-appointed Receiver (the "Receiver") of 2203284 Ontario Inc. (the "Debtor"), was heard this day at the Superior Court of Justice, 330 University Avenue, Toronto, Ontario.

ON READING the notice of motion, motion records, which include the Third Report of the Receiver, the Supplementary Third Report of the Receiver, the Second Supplementary Report of the Receiver (referred collectively as the "Reports" or individually) as well as the factum of the Receiver, the responding motion record, the factum of the Receiver and the responding factum of Taron Warranty Corporation, filed, and on hearing the submissions of counsel whose names appear on the counsel slip,

1. THIS COURT ORDERS that that the time for service of the notice of motion and the motion records are hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

2. THIS COURT FURTHER ORDERS that the Receiver shall transfer the Remaining Deposit Trust Funds, as that term is used in the Third Report, to the general receivership trust account.

3. THIS COURT FURTHER ORDERS that the Receiver shall conduct an unsecured claims procedure as follows:

- (a) on or before June 19, 2019, the Receiver shall mail a Proof of Claim, substantially in the form attached as Schedule "A", to all known unsecured creditors of 220, including those who appear as creditors in the books and records of the Debtor;
- (b) the Proof of Claim shall be accompanied with such other materials and notices (collectively, the "Claims Package") as the Receiver may consider necessary or appropriate and which will direct unsecured creditors to the Receiver's web site for information about the Receivership, including to the Receiver's various reports;
- (c) included with the Claims Package shall be a letter, substantially in the same form as Schedule "B", which sets out the Claims Process and which states that the Proof of Claim must be received by 5:00 pm, August 16, 2019 ("Claims Bar Date"), or it will otherwise be barred;
- (d) the Receiver shall give notice by way of a newspaper advertisement as to the Claims Process;
- (e) the Receiver shall review the unsecured claims and prepare a report to the court setting out what it recommends in respect of them;
- (f) the Receiver shall return to court as soon as possible after the Claims Bar Date to seek the court's direction in respect of the unsecured creditor's claims; *fifteen days*
- (g) the Receiver shall give notice of the return to court in (f), above, to all parties as well as to those unsecured creditors who have submitted a Proof of Claim; and *220*
- (h) the Receiver is authorized to give notice in (g), above, by way of email transmission. *and agreement*

4. THIS COURT FURTHER ORDERS that the Receiver is authorized to commence any proceeding necessary to protect the ~~expiry~~ *effective* of any limitation period, pursuant to the powers granted to it under paragraph 3(i) of the Receivership Order of June 22, 2017, but no steps beyond issuance of an originating process shall be taken without further order of the court.

*on consent of 220 and Maylen Santaguida, that any ~~any~~ claims against them are killed, from today, with fifteen weeks of this court, ~~or otherwise~~ without prejudice to the rights or positions of the parties,*

*effective*

*just*

including with respect to the validity, enforceability or  
-3- quantum if said ~~claim~~ uninsured

5. THIS COURT FURTHER ORDERS that the Receiver's Interim Statement of  
Receipts and Disbursements set out in the Third Report is approved. claims. MHP

6. THIS COURT FURTHER ORDERS that the actions and activities of the Receiver  
as set out in the Reports are approved.

~~MHP~~ 7. THIS COURT FURTHER ORDERS that the fees and expenses from April 30,  
2018, to March 25, 2019, of counsel for the Receiver in the amount of \$58,812.83 plus HST in the  
amount of \$6,690.31 is approved.

~~MHP~~ 8. THIS COURT FURTHER ORDERS that the fees of the Receiver from May 1,  
2018, to March 31, 2019, in the amount of \$276,747.00 plus HST in the amount of \$35,977.11 is  
approved. 7 THIS COURT FURTHER ORDERS THAT the approval of MHP

9. THIS COURT FURTHER ORDERS costs be paid  
The fees and  
disbursements  
of the Receiver  
and its counsel  
is approved

8. THIS COURT FURTHER ORDERS  
that 220's for liability as set out in The  
Receiver's Report shall be paid, as assessed  
by Canada Revenue Agency. MHP

SCHEDULE "A"

PROOF OF CLAIM FORM

FOR UNSECURED CLAIMS AGAINST 2203284 ONTARIO INC.

**NOTE:** CLAIMANTS ARE STRONGLY ENCOURAGED TO COMPLETE AND SUBMIT THEIR PROOF OF CLAIM BY SENDING IT AS SOON AS POSSIBLE TO THECONNOLLY@SPERGEL.CA

ALL OF THE INFORMATION BELOW IS REQUIRED IN ORDER TO PROCESS YOUR CLAIM.

1. PARTICULARS OF CLAIMANT

FULL LEGAL NAME OF CLAIMANT:

FULL MAILING ADDRESS OF CLAIMANT:

TELEPHONE NO. OF CLAIMANT:

FACSIMILE NO. OF THE CLAIMANT:

EMAIL ADDRESS OF CLAIMANT:

ATTENTION (CONTACT PERSON):

2. AMOUNT AND TYPE OF CLAIM

THE DEBTOR WAS AND STILL IS INDEBTED TO THE CLAIMANT AS FOLLOWS:

CURRENCY:	AMOUNT OF CLAIM
	\$
	\$
	\$
	\$

3. DOCUMENTATION

PROVIDE ALL PARTICULARS OF THE CLAIM AND SUPPORTING DOCUMENTATION, INCLUDING AMOUNT, AND DESCRIPTION OF TRANSACTION(S) OR AGREEMENT(S), OR LEGAL BREACH(ES) GIVING RISE TO THE CLAIM, INCLUDING ANY CLAIMS ASSIGNMENTS/TRANSFER AGREEMENT OR SIMILAR DOCUMENT, IF APPLICABLE, AND AMOUNT OF INVOICES, PARTICULARS OF ALL CREDITS, DISCOUNTS,

ETC. CLAIMED, DESCRIPTION OF THE SECURITY, IF ANY, GRANTED BY THE AFFECTED DEBTOR TO THE CLAIMANT AND ESTIMATED VALUE OF SUCH SECURITY.

**4. CERTIFICATION**

**I HEREBY CERTIFY THAT:**

- (a) I AM A CLAIMANT OR AUTHORIZED REPRESENTATIVE OF THE CLAIMANT;
- (b) I HAVE KNOWLEDGE OF ALL OF THE CIRCUMSTANCES CONNECTED WITH THIS CLAIM;
- (c) THE CLAIMANT ASSERTS THIS CLAIM AGAINST THE DEBTOR AS SET OUT ABOVE; AND
- (d) COMPLETE DOCUMENTATION IN SUPPORT OF THIS CLAIM IS ATTACHED.

**SIGNATURE:** \_\_\_\_\_ **WITNESS:** \_\_\_\_\_

SIGNATURE

**NAME:**

**NAME:** \_\_\_\_\_

PRINTED

**TITLE**

**DATED AT:** \_\_\_\_\_ **THIS** **DAY OF** \_\_\_\_\_, **2019**

## SCHEDULE "B"

### Correspondence

**TO:** (Insert Potential Unsecured Creditor Contact Information)  
**RE:** **Notice to Potential Unsecured Creditor**

On June 22, 2017, the Superior Court of Justice (Commercial List) (the "**Court**") appointed msi Spergel Inc. as receiver (the "**Receiver**") of all the assets, undertakings and properties of 2203284 Ontario Inc. ("**220**"), including the lands municipally known as 98 James Street South, Hamilton, Ontario (the "**Lands**"), upon which 220 was to develop the condominium project known as "*The Connolly*" (the "**Project**").

On June 6, 2019, the Court granted a further order in respect of the claims of 220's unsecured creditors. A copy of the order may be accessed online at <http://www.spergelcorporate.ca/active-files-list/2203284-ontario-inc/>

If you have an unsecured claim against 220, you are requested to submit a Proof of Claim, a blank copy of which is attached, as soon as possible and **no later than 5:00 PM (Toronto Time), August 16, 2019** (the "**Claims Bar Date**"), in accordance with the order. The Receiver's contact information is below:

msi Spergel Inc., Court appointed receiver of 2203284 Ontario Inc.  
505 Consumers Road, Suite 200  
Toronto, ON M2J 4V8  
Fax No.: 416-494-7199  
Email: [Theconnolly@mspergel.ca](mailto:Theconnolly@mspergel.ca)

**If you are a creditor with an unsecured claim and do not submit a Proof of Claim by the Claims Bar Date, your claim may be forever barred and extinguished.**

After receipt and review of the Proofs of Claim, the Receiver will be making a recommendation to the Court, on notice to all those who have submitted Proofs of Claim, as to any payments to be made to unsecured creditors.

If you have any questions or concerns, please do not hesitate to contact the Receiver attention: Frieda Kanaris at (416) 498-4309.

DUCA FINANCIAL SERVICES CREDIT UNION LTD.      and      2203284 ONTARIO LTD.  
Applicant      Respondent

Court File No.: CV-17-11827-00CL

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)  
Proceeding commenced at  
TORONTO

**ORDER**

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Lawyers for the receiver msj Spergel Inc.