

Court File No. CV-17-588051-00CL

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)

BETWEEN

FIRSTONTARIO CREDIT UNION LIMITED

Applicant

-AND-

FERWIN VENTURES CAPITAL INC.

Respondent

APPLICATION UNDER Subsection 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3, as amended, Section 101 of the *Courts of Justice Act*, R.S.O. 1990 c. C.43, as amended, and Rule 14.05(3)(9) and (h) of the *Rules of Civil Procedure*

**RESPONDING APPLICATION RECORD  
OF FERWIN VENTURES CAPITAL INC.**

May 28, 2018

**MACDONALD SAGER MANIS LLP**  
Barristers and Solicitors  
150 York Street, Suite 800  
Toronto, Ontario M5J 3S5

**Howard F. Manis** (LSUC No. 34336V)

Tel: (416) 364-5289  
Fax: (416) 364-1453

Lawyers for the Respondent,  
Ferwin Ventures Capital Inc.

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**AFFIDAVIT**

I, MICHAEL OLYNYK, of the TOWN OF Georgina, MAKE OATH  
AND SAY AS FOLLOWS:

Introduction

1. I am the Controller of Wilsondale Assets Management Inc. (Wilsondale) as such have personal knowledge of the matters hereinafter set forth.
2. This Affidavit is made pursuant to a consent Order before Justice McEwen on May 7, 2018.
3. It relates to the sum of \$5,000.00 paid by Downtown Windsor Business Improvement Association (Downtown), a tenant at premises known municipally as 720 Ouellette Avenue, Windsor,

Ontario, for the month of January 2018. Ferwin Ventures Capital Inc. (Ferwin) was at all material times the Landlord.

Funds Received from Downtown

- 4. The rent payment of \$5,000.00 was in fact received on January 2, 2018.
- 5. Ferwin did not have a bank account. The affairs of Ferwin were managed by Wilsondale. Accordingly, as had been the normal practice, the funds were deposited into the account of Wilsondale, on the date received, January 2, 2018.
- 6. Thereafter the funds were used to pay outstanding accounts related to services rendered to Ferwin, as follows:
  - (a) Plantscape (Windsor)..... HST included \$3,265.70
  - (b) Enwin (Hydro).....HST included 1,608.28
  - (c) Enwin (Water).....HST included 560.80
- 7. The shortfall / balance of \$434.78 was absorbed by Wilsondale.
- 8. The Receiver was appointed on January 3, 2018, one day following receipt of the funds in question.

9. Since the funds were received prior to the appointment of the Receiver, it is respectfully submitted that Wilsendale had the authority to use the funds in the manner stated.

10. The Affidavit is made to comply with the ORDER of Justice McEwen and for no improper purpose.

SWORN BEFORE ME at the City )  
of VAUGHAN,

this 22th day of May, 2018.)



VINCENT STABILE  
A Commissioner, etc.  
Province of Ontario  
Law Society of Ontario  
#30873

  
\_\_\_\_\_  
MICHAEL OLYNYK

)

# Plantscape.ca

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DESIGN/BUILD

1100 Hwy 3, Oldcastle, ON N0R 1L0

Ph: 519.972.6440  
 Fax: 519.972.6286

**INVOICE**

№/NO: 31949  
 DATE: 01/01/2018  
 PAGE: 1 of 1

SOLD TO  
 Ferwin Venture Capital Inc.  
 720 Ouellette Ave  
 Windsor, Ontario

SHIP TO  
 Ferwin Venture Capital Inc.  
 720 Ouellette Ave  
 Windsor, Ontario

RECEIVED JAN 10 2018

ITEM NO	QUANTITY	UNIT	DESCRIPTION	TAX	UNIT PRICE	AMOUNT																		
	1		Snow management services JAN 2018 parking lot and sidewalks	H	1,135.00	1,135.00																		
Subtotal:						1,135.00																		
H HST 13%																								
GST						147.55																		
<p>Ferwin Venture Capital Inc.            Project Expense Disbursements</p> <p>INVOICE # <u>31949</u>            INVOICE DATE <u>1/1/18</u>            INVOICE AMOUNT <u>\$1,282.55</u>            DESCRIPTION <u>720 Ouellette Ave</u>  <u>Snow Removal</u></p> <p>DUE DATE <u>Upon Receipt</u></p> <table border="1"> <thead> <tr> <th>PROJECT</th> <th>G/L ACCOUNT</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>51060</td> <td>\$1,282.55</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>APPROVED BY: <i>[Signature]</i></p> <p>Jan 15/18 JWS</p>							PROJECT	G/L ACCOUNT	AMOUNT	1	51060	\$1,282.55												
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1	51060	\$1,282.55																						
<p>Terms: Please remit payment to Plantscape (Windsor) Inc, 1100 Hwy # 3 Oldcastle, Ontario, N0R1L0            2% interest charged to all overdue account (24% per annum)            HST # 84507 6488 R10001</p>																								
COMMENTS						<b>TOTAL</b> ▶	1,282.55																	

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 Fax: 519-972-6486

**INVOICE**

1100 Hwy 3, Oldcastle, ON N0R 1L0

Nº/NO. 31950  
 DATE 01/01/2018  
 PAGE 1 of 1


**SOLD TO**

Ferwin Venture Capital Inc.  
 720 Quellerie Ave  
 Windsor, Ontario

**SHIPTO**

Ferwin Venture Capital Inc.  
 785 Goyeau  
 Windsor, ON

RECEIVED JAN 10 2018

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	1		Snow management services parking lot	H	1,755.00	1,755.00																					
Subtotal:						1,755.00																					
Ferwin Venture Capitol Inc. Project Expense Disbursements			H - HIST 13% GST			228.15																					
<p>INVOICE # 31950</p> <p>INVOICE DATE 1/1/18</p> <p>INVOICE AMOUNT 1,983.15</p> <p>DESCRIPTION 785 Goyeau Snow Removal</p> <p>DUE DATE Upon Receipt</p> <table border="1"> <thead> <tr> <th>PROJECT</th> <th>GIL ACCOUNT</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td></td> <td>53000</td> <td>1,983.15</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>APPROVED BY: </p> <p>Jan 6/6 JES</p>							PROJECT	GIL ACCOUNT	AMOUNT		53000	1,983.15															
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