

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE

)

WEDNESDAY, THE 26TH

MADAM JUSTICE DIETRICH

)

DAY OF MAY, 2021

BETWEEN:



CLEARFLOW COMMERCIAL FINANCE CORP.

Applicant

- and -

TRIGGER WHOLESALE INC., THE EN CADRE GROUP INC., MARK
GDAK, JAIMEE LYNN GDAK and JAIMAK REAL PROPERTIES INC.

Respondents

APPLICATION UNDER Sections 243(1) and 47(1) of the *Bankruptcy and Insolvency Act*,
R.S.C.1985, c. B-3, Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and Rule
40.01 of the *Rules of Civil Procedure*

JUDGMENT

THIS MOTION, made by the Applicant, for a determination of liability on guarantees given by the individual Respondents to the Applicant, was heard on March 18, 2021 and April 15, 2021 by Zoom videoconference due to the COVID-19 pandemic, with the lawyers for all parties in attendance.

ON READING the Application Record, Responding Application Record, Reply Application Record, Supplementary Responding Application Record, Supplementary Reply Application Record, Second Further Supplementary Reply Application Record, Reply to Second

Further Supplementary Reply Application Record, Transcript of the Examination of Jaimee Lynn Gdak, and facts of the parties, and on hearing the submissions of the lawyers for the parties,

1. THIS COURT DECLARES THAT the personal Guarantee executed by the respondent, Mark Gdak, in favour of the applicant, ClearFlow Commercial Finance Corp., in respect of the indebtedness of Trigger Wholesale Inc., dated April 30, 2015, is enforceable.
2. THIS COURT DECLARES THAT the personal Guarantee executed by the respondent Jaimee Lynn Gdak in favour of the applicant, ClearFlow Commercial Finance Corp., in respect of the indebtedness of Trigger Wholesale Inc., dated April 30, 2015, is enforceable.
3. THIS COURT ORDERS THAT the parties and the Receiver may arrange a case conference to address the quantum of the liability on the Guarantees.



(Signature of Justice)

BOSCO MASCARENHAS

CLEARFLOW COMMERCIAL FINANCE CORP.

-and-

TRIGGER WHOLESALE INC. et al.

Applicant

Respondents

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PROCEEDING COMMENCED AT
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JUDGMENT

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