



ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-24-00718535-00CL DATE: April 22, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: Business Development Bank of Canada v. 1000265218 Ontario Inc.

BEFORE: Justice Kimmel

PARTICIPANT INFORMATION

For Applicant:

Name of Person Appearing	Name of Party	Contact Info
Chad Kopach	Counsel for Business Development Bank of Canada	ckopach@blaney.com

For Respondent:

Name of Person Appearing	Name of Party	Contact Info
Aneal S. Seegobin	Counsel for 1000265218 Ontario Inc.	info@assertionlaw.ca

For Other:

Name of Person Appearing	Name of Party	Contact Info
Puya Fesharaki	Counsel for the Proposed Receiver	pfesharaki@tgf.ca
Matthew Golding	Representative of the Proposed Receiver	N / A

ENDORSEMENT OF JUSTICE KIMMEL:

1. This receivership application has been scheduled for a 2-hour in-person hearing on June 3, 2024, commencing at 10:00 a.m.

2. The respondent is hopeful that it will be able to close a sale transaction before the end of May, in which event it is expected that the applicant will be paid and the receivership application will not be required. The applicant is skeptical about this transaction because, among other reasons, it was subject to conditions that have not been waived. In the meantime, despite having issued notices of attornment of rents to the known tenants, the applicant received very little in rent for the month of April and is concerned about what will happen to the next two months of rent.
3. As a condition to granting the respondent's request that the application not be returnable until after the end of May to see if the sale transaction closes, the court has directed that the respondent provide an accounting (and remittance) to the applicant of any rents the respondent has received for the month of April 2024 and any that it receives for the months of May and June 2024 from tenants at the subject property.
4. In the meantime, the parties shall adhere to the following timetable of pre-hearing steps in this matter:
 - a. The application record has been delivered.
 - b. The responding record shall be delivered by April 29, 2024;
 - c. The reply record, if any, shall be delivered by May 7, 2024;
 - d. Cross-examinations, if requested by either side, shall be completed by May 10, 2024;
 - e. The applicant's factum shall be delivered by May 16, 2024;
 - f. The respondent's factum shall be delivered by May 22, 2024;
 - g. The applicant's reply factum, if any, shall be delivered by May 29, 2024; and
 - h. The parties may agree to changes in the above schedule as long as any such changes allow for all materials for the application to be served, filed and uploaded onto CaseLines by no later than May 31, 2024 at 2:30 p.m.
5. This endorsement and the 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 cursive script, appearing to read "Kimmel J.", written in dark ink.

KIMMEL J.