



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00710795-00CL

DATE: March 4, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: CAMERON STEPHENS MORTGAGE CAPITAL LTD. v. 2011836
ONTARIO CORP. et al
BEFORE: JUSTICE STEELE

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Jeff Larry	Lawyer for the Receiver, Albert Gelman Inc.	jeff.larry@paliareroland.com
Ryan Shah		ryan.shah@paliareroland.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Gregory Azeff	Fanseay Wang	gazeff@millertomson.com

For Other, Self-Represented:

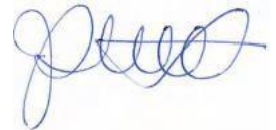
Name of Person Appearing	Name of Party	Contact Info
Alex Hora	Cameron Stephens Mortgage Capital	ahora@garfinkle.com
Philip Cho	Don Fry Scaffold Service	pcho@weirfoulds.com
Laura Culleton	Windsor Private Capital Limited Partnership	laurac@chaitons.com

ENDORSEMENT OF JUSTICE STEELE:

- [1] The Receiver brings a motion for an increase to the borrowing limit from \$9,500,000 to \$20,000,000, among other things.
- [2] The Receiver was appointed as the receiver and manager of the assets of 2011836 Ontario Corp. and Jefferson Properties Limited Partnership by Order of Justice Cavanagh, dated December 21, 2023.
- [3] The Receiver is continuing the construction of the residential development project called Richmond Hill Grace under the receivership. The Project is approximately 60% to 70% complete. The Receiver has determined that the best option for the estate is to complete the construction of the Project. The Receiver has borrowed funds from the first mortgagee, Cameron Stephens, to fund the continued construction of the Project. The Project has been on pause for the past few weeks due to health and safety concerns identified by the Receiver, but the Receiver expects that construction will recommence soon. The Receiver requires additional funding to continue the construction.
- [4] On February 2, 2024, the Receiver brought a motion seeking an increase to the Receiver's borrowing limit from \$7 million to \$9.5 million, which I approved. At that time, Fansey Wang, the sole director of 2011836 Ontario Corp., did not oppose the \$2.5 million increase, but was seeking additional information.
- [5] Mr. Wang opposes the Receiver's requested increase to the borrowing limit. However, Mr. Wang's materials were not filed until approximately 10 pm last evening.
- [6] **The Receiver's motion for the increase of the borrowing limit to \$20,000,000 is adjourned to March 18, 2024 at 10 am (2 hours).** Counsel indicated that they would coordinate the schedule for filing the remaining materials.
- [7] The Receiver asks the Court to approve a \$4 million increase to the borrowing limit in the meantime, which is opposed by Mr. Wang.
- [8] The Receiver's requested increase to the borrowing limit is supported by the first mortgagee, Cameron Stephens. Cameron Stephens has agreed to fund the increased borrowings.
- [9] The Receiver has approximately \$4.1 million in the trust account. However, much of these funds are required for existing claims. The cost of the Project runs at approximately \$4

million per month. The Receiver expects that construction activity will recommence soon and needs certainty of funding.

- [10] Mr. Wang submits that the Receiver has funds in the account and there is no urgent need for additional funding. Mr. Wang's position is that this should be addressed when the matter is heard in 2 weeks.
- [11] S. 243(1) of the *Bankruptcy and Insolvency Act* authorizes the court to appoint a receiver to "take any action that the court considers advisable," among other things. Paragraph 20 of the order appointing the Receiver provides that the borrowing limit may be increased if authorized by further Court order.
- [12] Given that the matter is returning in two weeks to be heard on its merits, I approve a \$2 million increase to the borrowing limit. If there is an urgent need for additional funding before the matter returns on March 18, 2024, the Receiver may return to court.
- [13] Order attached.

A handwritten signature in blue ink, appearing to be "J. Wang", is located in the lower right quadrant of the page.