



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: BK-25-03281116-0032

DATE: October 30, 2025

NO. ON LIST: 4

TITLE OF PROCEEDING: 177 Cross Argus Development Inc.

BEFORE: JUSTICE J. DIETRICH

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Sara J. Erskine	Counsel for 177 Cross Argus Development Inc.	<a href="mailto:sara@be-law.ca">sara@be-law.ca</a>
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**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info

**For Other, Self-Represented:**


Name of Person Appearing	Name of Party	Contact Info

## **ENDORSEMENT OF JUSTICE J. DIETRICH:**

1. 177 Cross Argus Development Inc. (the “**Company**”) filed a Notice of Intention to make a Proposal (“**NOI**”) on October 2, 2025, under s. 50.4(1) of the *Bankruptcy and Insolvency Act* (the “**BIA**”).
2. On October 28, 2025, the Company filed motion material seeking an order:
  - a. granting an Administrative Charge over the Property in the amount of \$250,000;
  - b. extending the time for the Company to file a proposal under s. 50.4 of the BIA (the “**Extension**”) until December 16, 2025;
  - c. declaring that Aarti Real Estate Enterprises Inc. and Mayuri Ventures Inc. (together the “**Third Mortgagee**”) is subject to the stay of proceedings as provided under the BIA and declaring the notice of attornment of rents and direction to pay delivered by the Third Mortgagee null and void;
  - d. approving certain pre-filing payments; and
  - e. approving the First Report of Albert Gelman Inc. As Proposal Trustee dated October 29, 2025
3. As matters have progressed, the Company is now only seeking a short Extension until November 20, 2025 and a reduced Administrative Charge.
4. Company’s counsel and the Proposal Trustee’s counsel advised that no cash is expected to be received during the requested short Extension by the Company. There are no employees, no operational office and no development expenses will be incurred in this time, the only substantive ongoing costs are professional fees.
5. There is no opposition to a short Extension. The purpose of the short Extension is allow parties to properly respond the Company's substantive motion and to allow the Company to bring forward a proposal for interim funding to be approved. A further motion is now scheduled for **November 17, 2025 at 10:00 am (virtually) for two hours** for this purpose.
6. The Company and the Third Mortgagee have agreed that the October and November rents collected will be held by Mr. Ketelaar's firm in trust pending further court order and that tenants be directed to pay Scalzi Caplin LLP the October and November rent. This

arrangement with respect to rent is without prejudice to any arguments anyone may make with respect to entitlement to that rent.

7. The request for the Administrative Charge was reduced to \$50,000 for this interim period, however, counsel to 915643 Ontario Inc. (the “**VTB Mortgagee**”) and counsel to the Third Mortgagees oppose given this request was made on one day notice. Both counsel to the VTB Mortgagee and the Third Mortgagee raise underlying concerns with the NOI process generally. In the circumstances, I am not prepared to grant that relief today, but rather it will be heard at the upcoming motion scheduled for November 17, 2025.
8. The Court has the authority to extend the stay period for up to 45 days under s. 50.4(9) of the BIA where the Court is satisfied that: (a) the insolvent person has acted, and is acting, in good faith and with due diligence; (b) the insolvent person would likely be able to make a viable proposal if the extension being applied for were granted; and (c) no creditor would be materially prejudiced if the extension being applied for were granted.
9. Based on the information in the First Report, I am satisfied that the Company is acting in good faith and with due diligence and would be more likely to make a viable proposal if an extension was granted. Further, based on the information provided in the First Report and the representations made as referenced above regarding the limited expenses to be incurred by the Company during the requested Extension period, I am satisfied that no creditor will be materially prejudiced by a short Extension. As well, the VTB Mortgagee and the Third Mortgagee do not oppose this relief.
10. Order to go in the form signed by me this day.



Date: October 30, 2025

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Jane O. Dietrich