



## SUPERIOR COURT OF JUSTICE COMMERCIAL LIST

### COUNSEL SLIP / ENDORSEMENT

COURT FILE NO.: CL-26-00000005-0000 DATE: January 29, 2026  
REGISTRAR: Damian Hutchinson

NO. ON LIST: 1

TITLE OF PROCEEDING: WINDSOR PRIVATE CAPITAL LIMITED PARTNERSHIP et al  
v.  
2352107 ONTARIO INC.

BEFORE: JUSTICE FL MYERS

#### **PARTICIPANT INFORMATION**

##### For Plaintiff, Applicant / Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Harvey Chaiton	The Applicants and the Receiver	harvey@chaitons.com
David Im		dim@ichaitens.com

##### For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Wendy Ngai	2372754 Ontario Limited	wngai@rarlitigation.com

##### For Other, Self-Represented:

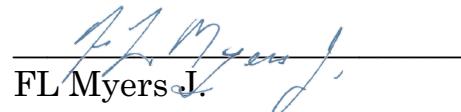
Name of Person Appearing	Name of Party	Contact Info
Stephanie Fernandes	National Bank of Canada	haris.masood@windsorgp.co
Harold Rosenberg	Paul Marques Architect Inc	h.rosenberg@battistonlaw.com
Jordan Routliff	McQueen Maintenance Inc	jROUTLIFF@rousseumazzuca.co m

## **ENDORSEMENT OF JUSTICE FL MYERS:**

1. The Receiver is represented by the Applicants' counsel today. That is not at all problematic absent conflict. But it does not diminish the court's need to rely upon its officer's business judgment.
2. The Receiver's First Report provides no rationale for the recommendation to approve the orders sought. It leaves the court effectively in the position of being asked to rubber stamp the applicants' wishes.
3. There are lien claimants who may have claims prior to the applicants in priority. Alternatively, they, and others, may rank well down the priorities chain. I have no idea of who may be at the "Plimsol Line." Who is it that might be prejudiced if the sales I am asked to help close are not value-maximizing sales. Have those people been given notice of the proceeding and the motion? If the Receiver does not yet know the identities of the players and have a rough idea of likely recoveries and rankings, how does it suggest the court determine the issues to ensure the protection of all stakeholders' positions. As I said to Mr. Chatton, the idea of preserving creditors' abilities to sue the Receiver for improvident realization is not especially attractive in my view.
4. Mr. Routliff advises that he received material late yesterday and he has not yet been added to Case Center. I understand the desire to close on (Saturday) January 31, 2026 because the vendor said so before the Receiver was appointed. Does the Receiver not have the ability to extend that date a few days to allow those with an interest to have fair notice of the proceeding? If not, what steps were taken to ensure that the urgency of the situation was brought home to interested parties.
5. I am also not generally comfortable with the idea of delegating the court's authority to the discretionary decisions of third parties – in this case purchasers who may or may not choose to close their purchases at this time. Assuming the court will be able to assist with vesting orders, oughtn't the order(s) be made only for transactions

that are ready, willing, and able to close? If more is sought, what safeguards and conditions ought to be in place to ensure that the Court's order is dealt with only as appropriate and as intended.

6. Finally, I noted that the Receiver's officer arrived on Zoom as the hearing was ending. In my experience, court officers typically attend all hearing to assist as may be helpful or necessary.
7. The motion is adjourned to Monday, February 2, 20226 at 9:00 a.m. before me by Zoom as a do-over on Groundhog Day. Anyone, including the Receiver, who may wish to deliver further material, including the Receiver, is asked to send it to Mr. Im for forwarding to me on the weekend.



FL Myers

Justice FL Myers Digital signature by Justice FL Myers  
Date: 2026.01.29 10:15:58 -05'00'