

**Civil Endorsement Sheet/
Page d'inscription**

DATE: July 4, 2024 Motion on notice (virtual) <hr/>	<p>Applicant: Peakhill Capital Inc.</p> <p>Counsel: Dominique Michaud - dmichaud@robapp.com</p> <p>Respondents: 100093910 Ontario Inc/Countertop Solutions</p> <p>Counsel: Derek Ketelaars - derek@sclawpartners.com</p> <p>Receiver: KSV Restructuring Inc.</p> <p>Counsel: Richard Swan, Aiden Nelms - swanr@bennettjones.com</p> <p>2557904 Ontario Inc.</p> <p>Counsel: Kevin Sherkin - ksherkin@millerthomson.com</p> <p>Mitchell Lightowler - milightowler@millerthomson.com</p> <p>Ren/Tex Reality Inc. and ReMax Premier Inc.</p> <p>Counsel: Domenico Magisano - dmagisano@lerner.ca</p> <p>Second Mortgagee Zaherali Visram</p> <p>Counsel: Laura Cullerton - laurac@chaitons.com</p> <p>Financier-Firm Capital</p> <p>Counsel: D.J. Miller</p> <p>Part owner of respondent- 20 Regina JV Ltd</p> <p>Counsel: Ran He</p> <hr/> <p>1. On July 2, 2024, I heard the motion brought by the Receiver for an approval and vesting order, among other relief, and motion by the respondent to permit it to redeem the first mortgage.</p> <p>2. There is urgency with respect to the decision of this Court. Interest and expenses are being incurred and the parties require a decision on either approving the proposed sale or redeeming the first mortgage. I indicated that I would provide my disposition of the motions given the urgency with reasons to follow.</p> <p>3. My disposition is that the respondent be permitted to redeem the first mortgage to pay fully the amount owing on the first mortgage, the costs and fees of the Receiver which on Tuesday July 2, 2024, the total amount was \$23,450,000 which includes the</p>
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sum of \$250,000 to be paid into either Court or held in trust for the benefit of the prospective purchaser 23557904 Ontario Inc. per the Sale Agreement or Second Report.

4. I was also advised that the parties have a draft Order that has been approved to deal with the redemption of the first mortgage. That Order, approved as to form and content by all parties, to be sent to me for my review and signature. The draft approved Order to be sent to my judicial assistant at meghan.billings@ontario.ca.

5. I anticipate releasing my reasons within the next few weeks.



The Honourable Justice P. Sutherland