

COURT OF APPEAL FOR ONTARIO

BETWEEN:

PEAKHILL CAPITAL INC.

Applicant (Respondent on Appeal)

- and -

1000093910 ONTARIO INC.

Respondent (Appellant)

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-3, AS AMENDED, AND
SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990 c. C. 43, AS AMENDED**

**AFFIDAVIT OF SERVICE
OF AIDEN NELMS
(Sworn March 8, 2024)**

I, AIDEN NELMS, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND
SAY:**

1. I am an associate at the law firm of Bennett Jones LLP, counsel for KSV Restructuring Inc. in its capacity as court-appoint receiver and manager (in such capacity, the “**Receiver**”) of the Respondent, 1000093910 Ontario Inc. (the “**Debtor**”), and all the assets, undertakings and properties of the Debtor. As such, I have personal knowledge of the matters to which I hereinafter depose in this Affidavit. Where I do not have personal knowledge of the matters set out herein, I have stated the source of my information and, in all cases, believe it to be true.
2. On Friday, March 8, 2024, I served the parties listed in the e-mail, attached hereto as **Exhibit "A"**, with a copy of the Appeal Book and Compendium of the Respondent on Appeal

(the "**Appeal Book and Compendium**") and the Factum of the Receiver, As Respondent, dated March 8, 2024 (the "**Factum of the Receiver**"), by sending a PDF of the Appeal Book and Compendium and the Factum of the Receiver by e-mail to each party listed on the Service List, attached hereto as **Exhibit "B"**, at their respective e-mail addresses.

SWORN **BEFORE** **ME** over)
videoconference on this 8th day of March,)
2024. The affiant was located in the City of)
Toronto, in the Province of Ontario and the)
Commissioner was located in the City of)
Toronto, in the Province of Ontario. This)
affidavit was commissioned remotely as a)
result of COVID-19 and the declaration was)
administered in accordance with Ontario)
Regulation 431/20.)

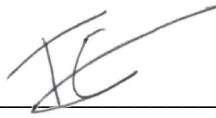
THOMAS GRAY

A Commissioner for Oaths in and for the
Province of Ontario

AIDEN NELMS


AIDEN NELMS

**THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF AIDEN NELMS SWORN
THE 8TH DAY OF MARCH, 2024**

A handwritten signature in black ink, appearing to be 'TG' with a long horizontal stroke extending to the right.

**A Commissioner for taking affidavits, etc.
THOMAS GRAY**

From: Aiden Nelms
Sent: Friday, March 8, 2024 3:48 PM
To: Sean Zweig; ngoldstein@ksvadvisory.com; bluder@ksvadvisory.com; dmichaud@robapp.com; jjamil@robbapp.com; bp@friedmans.ca; diane.winters@justice.gc.ca; leslie.crawford@ontario.ca; insolvency.unit@ontario.ca; pat.confalone@cra-arc.gc.ca; rhe@thcllp.com; george@chaitons.com; hmanis@manislaw.ca; dmagisano@lernalers.ca; Louis Raffaghello; AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca; Vesna Kolenc; ksherkin@millerthomson.com; Aram Simovonian; Gary Caplan
Cc: Nikki Wilson; Preet Gill; Richard Swan
Subject: In the Matter of the Receivership of 1000093910 Ontario Inc. [Court File No. CV-23-00004031-0000/ETM54775 (COA-23-CV-1357) - Appeal [BJ-WSLegal.FID6244094]
Attachments: ABCO.M54775.PDF; RPF.M54775 (2).PDF

To the Service List:

In connection with 1000093910 Ontario Inc.'s appeal scheduled for **April 2, 2024** at the Ontario Court of Appeal, please find attached the Appeal Book and Compendium of the Receiver, as respondent, dated March 8, 2024 and the Factum of the Receiver, as respondent, dated March 8, 2024, which are hereby served upon you in accordance with the Receivership Order and pursuant to the E-Service Guide of the Commercial List and the Rules of Civil Procedure.

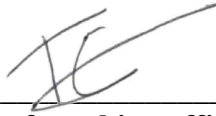
Regards,

Aiden Nelms

Associate, Bennett Jones LLP
3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4
T. 416 777 4642 | F. 416 863 1716 | M. 416 671 3090
BennettJones.com



**THIS IS EXHIBIT "B" REFERRED TO IN THE
AFFIDAVIT OF AIDEN NELMS SWORN
THE 8TH DAY OF MARCH, 2024**

A handwritten signature in black ink, appearing to be 'TG' with a long horizontal stroke extending to the right, positioned above a solid horizontal line.

**A Commissioner for taking affidavits, etc.
THOMAS GRAY**

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

PEAKHILL CAPITAL INC.

Applicant

- and -

1000093910 ONTARIO INC.

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE
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101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

**Service List
(as at March 6, 2024)**

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<p>ROBINS APPLEBY LLP Barristers + Solicitors 2600 – 120 Adelaide Street West Toronto, ON M5H 1T1</p> <p>Dominique Michaud Tel: (416) 360-3795 E-mail: dmichaud@robapp.com</p> <p>Joey Jamil Tel: (416) 360-3783 E-mail: jjamil@robapp.com</p> <p><i>Lawyers for the Applicant</i></p>	<p>ZAHERALI VISRAM 7 Laredo Court Toronto, ON M2M 4H7</p> <p><i>Mortgagee</i></p>
<p>FRIEDMANS LAW FIRM 150 Ferrand Drive, Suite 800 Toronto, ON M3C 3E5</p> <p>Barry Polisuk Tel: (416) 496-3340 x 131 E-mail: bp@friedmans.ca</p> <p><i>Corporate Lawyers for the Respondent</i></p>	<p>ATTORNEY GENERAL OF CANADA Department of Justice Canada Ontario Regional Office, Tax Law Section 120 Adelaide Street West, Suite 400 Toronto, ON</p> <p>Diane Winters Tel: (647) 973-3172 Email: diane.winters@justice.gc.ca</p>
<p>HER MAJESTY IN RIGHT OF ONTARIO REPRESENTED BY THE MINISTER OF FINANCE – INSOLVENCY UNIT Ontario Ministry of Finance - Legal Services Branch 33 King Street West, 6th Floor Oshawa, Ontario L1H 8H5</p> <p>General Enquiries Email: insolvency.unit@ontario.ca</p>	<p>ONTARIO MINISTRY OF FINANCE INSOLVENCY UNIT 6th floor, 33 King Street West Oshawa, Ontario L1H 8H5</p> <p>General Enquiries Tel: 1.866.668.8297 Email: insolvency.unit@ontario.ca</p>
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PEAKHILL CAPITAL INC.
Applicant (Respondent on Appeal)

- and -

1000093910 ONTARIO INC.
Defendant (Appellant)

COURT OF APPEAL FOR ONTARIO

Proceedings commenced in Toronto

**Affidavit of Service of Aiden Nelms
(Sworn March 8, 2024)**

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Receiver/Respondent