



Court File No. CV-23-00706813-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE ) TUESDAY, THE 2<sup>ND</sup> DAY  
JUSTICE W.D. BLACK ) OF JUNE, 2026

**GENESIS MORTGAGE INVESTMENT CORP.**

Applicant

- and -

**1776411 ONTARIO LTD. AND 1333 WEBER STREET KITCHENER LP**

Respondents

**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**

**ORDER  
(Tarion Refund)**

**THIS MOTION** made by GFD 1333W Limited Partnership (“**GFD LP**”) for an Order, among other things, declaring that the Tarion Fee constitutes a Purchased Asset under the Sale Agreement, and directing Tarion to remit the Tarion Refund to GFD LP, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the affidavit of Michael Yeung sworn May 8, 2026 and the Exhibits thereto (the “**Yeung Affidavit**”), and on hearing the submissions of counsel for GFD LP and such other parties listed on the Participant Information Form, no one else appearing although duly served as appears from the lawyer’s certificate of service, filed,

## **SERVICE**

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated and this Motion is properly returnable today and hereby dispenses with further service or notice thereof.

## **DEFINITIONS**

2. **THIS COURT ORDERS** that capitalized terms used but not otherwise defined herein have the meanings ascribed in the Yeung Affidavit.

## **TARION REFUND**

3. **THIS COURT ORDERS AND DECLARES** that the enrolment fees remitted by the Respondents to Tarion Warranty Corporation (“**Tarion**”) under the *Ontario New Home Warranties Plan Act* in respect of Tower B of the four-tower residential condominium project that was being developed by the Respondents at 1333 Weber Street East, City of Kitchener (the “**Tarion Fee**”) constitutes a “Purchased Asset” under the Sale Agreement.

4. **THIS COURT ORDERS AND DIRECTS** Tarion to remit \$168,985.85, being the full amount of the refund owing in respect of the Tarion Fee, to GFD LP or such entity as directed in writing by GFD LP, no later than 10 business days from the date that this Order becomes a “final Order”, defined as: an Order (i) as to which no appeal, leave to appeal, notice of appeal, motion to amend or make additional findings of fact, motion to alter or amend judgment, motion for rehearing, motion for reconsideration, motion for new trial or motion to extend the time by which any of the foregoing motions are required to be filed has been timely filed or, if any of the foregoing has been timely filed, it has been disposed of in manner that upholds and affirms the subject order in all material respects without the possibility for further appeal or rehearing thereon; (ii) the time for instituting or filing an appeal, leave to appeal, motion for rehearing, motion for reconsideration or motion for new trial or motion to extend the time by which any of the foregoing motions are required to be filed shall have expired; and (iii) as to which no stay is in effect.

## **COSTS**

5. **THIS COURT ORDERS** that the costs of this motion shall be payable to GFD LP by Werner Leuschner, Kamal Patel, Jakam Developers Limited, and 1639993 Ontario Ltd. in the amount of \$26,421.66, including HST, payable within thirty (30) days of the date of this Order.

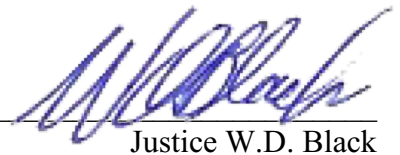
## **INTERESTS**

6. **THIS COURT ORDERS** that all amounts due and payable under this Order bear interest at the rate of 2.5% percent per year.

## **MISCELLANEOUS**

7. **THIS COURT ORDERS** that this Order is effective as of 12:01 a.m. as of the date that it is made and is enforceable without the need for entry and filing.

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.



Justice W.D. Black

**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**

**GENESIS MORTGAGE INVESTMENT and 1776411 ONTARIO LTD. AND 1333 WEBER STREET KITCHENER LP CORP.**

Applicant

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***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
**(COMMERCIAL LIST)**

Proceedings commenced in Toronto

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**ORDER**  
**(Tarion Refund)**

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