



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-22-687383-00CL

DATE: APRIL 3, 2023

NO. ON LIST: 2

TITLE OF PROCEEDING:

PRICEWATERHOUSECOOPERS INC.

(in its capacity as receiver and manager of Bridging Finance Inc. et al)

-v- 2806401 ONTARIO INC.

BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Applicant:

Name of Person Appearing	Name of Party	Contact Info
Adam Driedger	For PWC Inc. as Receiver of Bridging Finance Inc.	416-304-1152 / adriedger@tgf.ca
Tyler Ray	For PWC Inc. as Receiver of Bridging Finance Inc.	416-687-8200 / tyler.ray@pwc.com

Other Counsel in Attendance:

Name of Person Appearing	Name of Party	Contact Info
Jordan Wong	Counsel for KSV Restructuring Inc. as Receiver	jwong@ksvadvisory.com
Chris Burr	Counsel for KSV Restructuring Inc. as Receiver	416-863-3261 / chris.burr@blakes.com
Graham Page	Bridging Receiver	416-687-9054 / graham.page@pwc.com
Demetrios Yiokaris	Counsel for Labourers' International Union of North America, Ontario Provincial District Council	416-595-2130 / dyiokaris@kmlaw.ca
Sabrina Waraich	Counsel for AAction Towing	416-312-8475 / sabrina@hcohen.law

ENDORSEMENT OF JUSTICE CONWAY:

- [1] The Court-appointed Receiver of 2806401 Ontario Inc. o/a Allied Track Services (“Allied”) has brought a motion seeking authorization to make distributions of proceeds following the conduct of the court-approved auction. The Receiver further seeks certain declarations regarding the claims of certain creditors.
- [2] With one exception, the motion is unopposed. All defined terms used in this Endorsement shall, unless otherwise defined, have the meanings ascribed to them in the Factum of the Receiver for today’s hearing.
- [3] I have no issue approving the distribution or granting the related declarations. I am satisfied that the Danella and LMS leases were not registered or perfected and that they do not have a valid priority claim to the proceeds of sale of the equipment leased by them.
- [4] I accept the Receiver’s position that the LMS Secured Creditors do have priority with respect to the units that they registered against by VIN: see *Perimeter*. Bridging does not oppose this priority position.
- [5] A Action opposed the declaration that it does not have a priority possessory lien on the Mark 4 under the RSLA. Its counsel appeared at the motion but did not file any materials or evidence to substantiate its priority claim. She sought an adjournment, which was opposed by the Receiver and Bridging. The Receiver provided sufficient notice of today’s hearing and made its position clear to A Action on February 28, 2023. I am denying the adjournment as there was ample time for A Action to have responded and it will only deplete the amount available to stakeholders if I grant the adjournment. The Receiver explains in detail why A Action’s claim for a possessory lien fails under the RSLA. I accept its position.
- [6] The remainder of the order is unopposed and is acceptable to me. Mr. Burr has slightly reduced the amount of the distribution to Bridging and provided an amended order.
- [7] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

Conway J.