



SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

ENDORSEMENT

COURT FILE NO.: CV-22-00674810-00CL DATE: October 12, 2023

NO. ON LIST: 1

TITLE OF PROCEEDING: **KINGSETT MORTGAGE CORP. -v- 30 ROE INVESTMENTS CORP.**

BEFORE: **JUSTICE OSBORNE**

**PARTICIPANT INFORMATION**

For Applicant:

Name of Person Appearing	Name of Party	Contact Info
RICHARD B. SWAN	APPLICANT	<a href="mailto:swanr@bennettjones.com">swanr@bennettjones.com</a>

For Respondent:

Name of Person Appearing	Name of Party	Contact Info
RAYMOND ZAR	RESPONDENT (SELF-REP)	<a href="mailto:rz@roehamptoncapital.com">rz@roehamptoncapital.com</a>

Other:

Name of Person Appearing	Name of Party	Contact Info
CHRIS ARMSTRONG	RECEIVER	<a href="mailto:carmstrong@goodmans.ca">carmstrong@goodmans.ca</a>
NOAH GOLDSTEIN	"	<a href="mailto:ngoldstein@ksvadvisory.com">ngoldstein@ksvadvisory.com</a>

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**ENDORSEMENT OF JUSTICE OSBORNE:**

[1] This scheduling case conference proceeded today. A court reporter was present.

[2] The Receiver and manager seeks to reschedule, on consent, its motion for discharge and passing of accounts of the Receiver and its counsel, and for authorization to make such HST remittances as the Receiver determines are required.

[3] Mr. Zar appears on behalf of 30 Roe, the Debtor. He seeks to oppose the Receiver's motion and to bring a motion pursuant to Rule 15 to seek leave permitting him, as a non-lawyer, to represent the Debtor in the balance of this proceeding.

[4] The parties have agreed upon a schedule for the delivery of materials and the completion of other matters to permit the determination of each of these two motions.

[5] Accordingly, the schedule set out below is approved and forms part of this Endorsement.

<b>Date</b>	<b>Party</b>	<b>Step</b>
October 16, 2023	Zar	Zar serves: (i) Rule 15 motion record; and (ii) responding motion record to Receiver's motion, including in each case all evidence Zar relies upon (including any video or audio recordings Zar seeks to have introduced into the record).
October 20, 2023	Receiver	Receiver serves: (i) Responding motion record to Zar's Rule 15 motion; and (ii) reply motion record in respect of Receiver's motion.
October 24-26, 2023	Zar & Receiver	Cross-examinations. Half-day in this timeframe that works for all parties.
October 31, 2023	Zar & Receiver	Receiver serves factum for Receiver's motion; Zar serves factum for Rule 15 motion.
November 6, 2023	Zar & Receiver	Receiver serves responding factum on Rule 15 motion and Zar serves responding factum on Receiver's motion.
Early November 2023	All parties	Proposed hearing date for two (2) hours, based on Court availability. Hearing date is peremptory.

To the extent KingSett wishes to deliver any motion materials, it will do so on the same date indicated for the Receiver serving its materials.

[6] These two motions will be heard on **November 14, 2023, via Zoom, commencing at 11 AM and continuing as necessary for up to two hours.** The parties have confirmed their availability for, and consent to, this date. Indeed, as reflected in the agreed-upon schedule, this date is peremptory on the parties.

[7] Mr. Zar stated that he would like to interview the Receiver with respect to its activities, whether under oath or otherwise. As is consistent with the practice of this court and absent extraordinary or other compelling circumstances, requests and inquiries of the Receiver should be made in writing and directed to the Receiver through its counsel. Mr. Zar understands this direction and I reminded all parties of the fact that the motion dates were being scheduled on the basis of their agreement that all steps would be completed, and materials filed, to permit the determination of the motions on the merits on the dates scheduled.

[8] Counsel for the Receiver indicated that the Receiver would likely consent to the Rule 15 motion, on condition that Mr. Zar agree that he would be personally liable for costs, given that the Debtor is the entity in receivership. Mr. Zar advised that he would not consent to this condition. Accordingly, the Rule 15 motion will proceed on a contested basis and the judge presiding over that motion will determine whether relief should be granted and if so, on what terms.

A handwritten signature in black ink, appearing to read "Osborne, J.", written in a cursive style.

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OSBORNE, J.

Date: October 12, 2023