



ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE)
JUSTICE OSBORNE)
)
)

MONDAY, THE 29TH
DAY OF MAY, 2023

B E T W E E N:

KINGSETT MORTGAGE CORPORATION

Applicant

- and -

30 ROE INVESTMENTS CORP.

Respondent

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-13, AS AMENDED, AND
SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

ORDER
(Writ of Possession)

THIS MOTION, made by KSV Restructuring Inc. in its capacity as the Court-appointed receiver and manager (in such capacity, the “**Receiver**”) without security, of (i) the real property legally described in Schedule “A” to the Order (Appointing Receiver) of this Court dated May 9, 2022 (the “**Real Property**”), (ii) all assets, undertakings and properties of 30 Roe Investments Corp. (the “**Debtor**”) acquired for, used in connection with, situate at, or arising from the ownership, development, use or disposition of, the Real Property, including the proceeds therefrom, and (iii) all of the Debtor's rights, claims, advantages, benefits, title and interest in, to

and under all agreements, leases, documents, permits, approvals, licenses and instruments in respect of the Real Property and all monies or proceeds payable thereunder, was heard this day by Zoom videoconference.

ON READING the Fourth Report of the Receiver dated May 16, 2023, and on hearing the submissions of counsel for the Receiver, counsel for the Canadian Imperial Bank of Commerce, counsel for KingSett Mortgage Corporation and Raymond Zar as Agent for the Debtor, no one appearing for any other person on the service list or Maryam Rezaee, although properly served as appears from the affidavit of Brennan Caldwell sworn May 16, 2023, and the Affidavit of Service of Charlene Hare sworn May 19, 2023, filed:

1. **THIS COURT ORDERS** that the Receiver is entitled to vacant possession of the Real Property described in Schedule “A” hereto (“**Unit PH07**”).
 2. **THIS COURT ORDERS** that Maryam Rezaee and any other occupant of Unit PH07 shall vacate Unit PH07 by no later than June 9, 2023.
 3. **THIS COURT ORDERS** that leave to issue a writ of possession in respect of Unit PH07 substantially in the form attached as Schedule “B” hereto is hereby granted to the Receiver, which writ shall not be executed prior to June 9, 2023.
 4. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada 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.
 5. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. (Toronto time) on the date of this Order without the need for entry or filing.
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Schedule “A” – Legal Description of Unit PH07

Dwelling Unit:

PIN 76559-0514 (LT)

UNIT 7, LEVEL 34, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO

Parking Unit:

PIN 76559-0588 (LT)

UNIT 65, LEVEL C, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO

Storage Unit:

PIN 76559-0627 (LT)

UNIT 104, LEVEL C, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO

Schedule B – Form of Writ of Possession

[ATTACHED]

ONTARIO

SUPERIOR COURT OF JUSTICE

COMMERCIAL LIST

B E T W E E N:

(Court Seal)

KINGSETT MORTGAGE CORPORATION

Applicant

- and -

30 ROE INVESTMENTS CORP.

Respondent

WRIT OF POSSESSION

TO the Sheriff of the City of Toronto

Under an Order of this Court made on May ●, 2023 in favour of KSV Restructuring Inc. in its capacity as Court-appointed receiver and manager of certain property of 30 Roe Investments Corp. (the “**Receiver**”), **YOU ARE DIRECTED** to enter and take possession of the following land and premises in your county or district:

- (a) **PIN 76559-0514 (LT), UNIT 7, LEVEL 34, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO;**

- (b) **PIN 76559-0588 (LT)**, UNIT 65, LEVEL C, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO; and
- (c) **PIN 76559-0627 (LT)**, UNIT 104, LEVEL C, TORONTO STANDARD CONDOMINIUM PLAN NO. 2559 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT4423506; CITY OF TORONTO.

AND YOU ARE DIRECTED to give possession of the above land and premises without delay to the Receiver.

Date _____ Issued by _____
Local Registrar
Address of court office: Superior Court of Justice
330 University Avenue, 7th Floor
Toronto, Ontario
M5G 1R7

Renewed by Order made on _____.

Local registrar

APPLICATION UNDER SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, C. C.43, AS AMENDED, AND SECTION 243 OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-3 AS AMENDED

Court File No: CV-22-00674810-00CL

KINGSETT MORTGAGE CORPORATION

- and - **30 ROE INVESTMENTS CORP.**

Applicant

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**
Proceeding commenced at Toronto

WRIT OF POSSESSION

Goodmans LLP

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Lawyers for KSV Restructuring Inc. in its capacity as Court-appointed Receiver

**KINGSETT MORTGAGE
CORPORATION**

-and- 30 ROE INVESTMENTS CORP.

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**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**
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**ORDER
(Writ of Possession)**

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