

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Kingsett Mortgage Corporation
Plaintiff(s)

AND

30 Poe Investments Corp.
Defendant(s)

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:
see counsel slip - attached		

- Order Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

- Adjourned to: _____
- Time Table approved (as follows):

This matter appeared before me on December 14/22.

The Receiver brought a motion seeking amendments to the Sales Process and other related relief.

At the conclusion of the motion I granted the relief sought. Counsel forwarded a draft order which I have signed and attached to this

20 Dec 22
Date

[Signature]
Judge's Signature

Additional Pages seven total

i. subject to an amendment discussed below.

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endorsement. The order shall go as of Dec 14/22, as amended.

Raymond Zar attended the motion. He is the principal of the Respondent. Notwithstanding that he has not sought leave to represent the Respondent, pursuant to Rule 15, I allowed him to make submissions.

Although the Respondent filed no materials, Mr Zar made a number of allegations against the Receiver, Applicant and others.

Mr Zar asked that I not proceed with the motion until investigations could be carried out and claimed that it was the duty of the Superior Court to carry out the investigations. I disagreed.

Mr Zar further asked me to recuse myself after I refused to

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grant him permission to record the proceeding and advised that he planned to conduct a press conference and broadcast the zoom hearing.

As a result, I issued an endorsement on an urgent basis on Dec 14/22 prohibiting him from broadcasting or publishing the hearing and to destroy any recordings that he might have made.

Insofar as the motion itself is concerned, the motion to amend the Sales Process essentially involved two changes - both of which are fair and reasonable.

The first amendment involved changing the listing agent. The Receiver proposes to use Gloria Young of Remax. Ms Young is well qualified to act, as is Remax, based

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on the comments in the Receiver's Second Report, which I accept.

Mr Zar did not note any problems with Ms. Yung or Remax. His comments were generally directed at the previous listing agent who is being replaced; thus, he should be pleased with a new agent being appointed.

I also note that Remax's Commission will be 0.5% higher than the previous agent's commission, but I agree with the Receiver that the change will assist in attracting buyers since it goes to the cooperating brokerage. Mr Zar did not raise any ~~real~~ⁱⁿ real opposition in this regard.

The second amendment involves the Receiver's request that it be allowed to sell all of the units, including those being occupied.

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Once again, based on the contents of the Second Report this is fair and reasonable. Market dynamics are changing and the market is becoming more challenging. The Receiver ought to be allowed greater flexibility to deal with these challenges.

There also may be tax implications which cannot yet be analyzed, as the Respondent has not yet provided the Receiver with the necessary information. Mr. Zar also raised concerns about this issue. The tax implications may be relevant and this can be dealt with at a later date, if necessary, and particularly when approval for the sales is sought.

Both amendments are therefore, as noted, fair and reasonable. I

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pause here to note that a person, apparently Mr Zar's mother, recently occupied one of the condominium units. She was removed by police, but now may be occupying another unit. Such occupation is improper given the ongoing Sales Process and the sales ought to proceed despite any occupation. Details of this issue are set out in the Receiver's Supplement to the Second Report.

I am also prepared to approve the contents of the Second Report and the activities set out therein. As noted, Mr Zar has been critical of ~~the~~ some of the Receiver's activities, but the Respondent filed no materials and my review of the activities satisfies me that approval is appropriate.

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I am, however, deferring approval of the Receiver's activities in the Supplement to the Second Report to a further hearing. This report was delivered the evening before the hearing. The Respondent ought to have an opportunity to respond, if it wishes. I have therefore deleted this portion of the order.

The remainder of the ancillary relief sought is fair and reasonable.

Last, as I did at the hearing, I urge Mr Zar to retain counsel to deal with this matter on behalf of the Respondent.

McL