



Superior Court of Justice – East Region

ENDORSEMENT SHEET FOR CIVIL MOTION/APPLICATION

SHORT TITLE OF PROCEEDINGS: *Re 2195186 Ontario Inc.*

COURT FILE NO.: CV-24-00098058-0000 (Ottawa)

BEFORE: The Honourable Mr. Justice Mew

HEARD: **7 August 2025**

COUNSEL:

Eric Golden and Chad Kopach, Blaney McMurtry LLP, Lawyers for KSV Restructuring Inc., in its capacity as Court-appointed Receiver
Raj Sahni and Aidan Nelms, Bennett Jones LLP, Lawyers for Peoples Trust Company
Jeremy Bornstein, Cassels Brock & Blackwell LLP, Lawyers for ACM Advisors Ltd.
Christopher Armstrong, Goodmans LLP, Lawyers for the Proposed Purchaser
Alexander Bissonette, Mann Lawyers, Lawyers for 2195186 Ontario Inc.
Karen Steward, for Pro Bono Ontario
Kevin Wiener, Lawyer for Muhammad Yaasir Hosenie
Christelle Azzi, Community Legal Services of Ottawa
Emily Young, Polley Faith LLP; prospective lawyers for certain tenants

IN ATTENDANCE:

Mitch Vininsky (KSV Restructuring)
Martin Kosic (KSV Restructuring)
Karelle Sikapi, Tenant
Lucas Drennan, Tenant
Manas Agarwal, Tenant
Ricardo Baki, Tenant
Victoria King, Tenant
Salma Choukaili, Tenant

RELIEF REQUESTED: Receiver's Motion for Sale Approval and Vesting Order – Envie I.

☒ **ORDER SIGNED**

☐ **ON CONSENT**

☐ **DIRECTIONS GIVEN**

☐ **UNOPPOSED**

☐ **NO ONE APPEARED**

☒ **ADJOURNED TO 28-Aug-25 @ 10:00AM**



Superior Court of Justice – East Region

ENDORSEMENT:

Approval and Vesting Order

The Receiver seeks determination of the following issues today, namely:

- a) whether the transaction summarised in paragraphs 43-48 of the receiver's factum should be approved by the court;
- b) whether the receiver should be authorised to disclaim contracts entered into between the Debtor and its vendors and suppliers that are not being assumed by the Purchaser; and
- c) whether the reporting letter of CMLS Realty Ltd attached to Fourth Report of the Receiver, dated 23 July 2025, as Confidential Appendix 1, and the unredacted Agreement of Purchase and Sale (and related amendments) attached as Confidential Appendix 2, should be sealed.

The principles applicable to consideration of the approval of a proposed sale of a debtor's assets are set out in *Royal Bank of Canada v Soundair Corp.* (1991), 4 O.R. (3d) 1 (C.A.). For brief oral reasons given on the record, I am satisfied that the transaction should be approved: the sale process was carried out fairly, transparently and with all due integrity and efficacy; it was a commercially reasonable process which has obtained the highest recovery available in the circumstances.

Orders shall also go for the disclaimer of contracts and the sealing of the confidential appendices.

Vacant Possession

The Receiver's request for an order granting vacant possession of the subject property and to grant leave for writs of possession to issue is deferred, and will be heard in Ottawa on 12 September 2025 at 10:00AM.

The following timetable of steps to be taken in advance of that hearing have been agreed by counsel and are as follows:

- Written interrogatories to the Receiver from Mr. Weiner to be delivered by August 15, 2025;



Superior Court of Justice – East Region

- Written interrogatories to the Receiver from Polley Faith LLP to be delivered by August 15, 2025, without prejudice to Polley Faith LLP providing supplementary interrogatories after August 15, 2025, but only until August 22, 2025;
- Receiver's answers to written interrogatories from Mr. Weiner and from Polley Faith LLP to be delivered by August 22, 2025 (for those received by August 15, 2025. Remainder by August 27, 2025);
- Receiver's factum regarding the Constitutional questions to be delivered by August 22, 2025;
- Responding motion record, including any Tenant affidavits, from Mr. Weiner and Polley Faith LLP to be delivered by August 22, 2025;
- Cross-examinations on Tenant affidavits (if any cross) and further supplementary report from the Receiver in response to Tenants' affidavits (beyond the anticipated Receiver's update to the Court on the number of Tenants who have entered into settlement agreements), by August 27, 2025;
- Replacement factum from Mr. Weiner to be delivered by September 3, 2025;
- Factum from Polley Faith LLP to be delivered by September 3, 2025;
- Receiver's Reply factum, if any, to be delivered by September 9, 2025; and
- Balance of the Receiver's motion (i.e. relating to vacant possession issues) to take place as a hybrid hearing (virtual and in person) on September 12, 2025, in Ottawa.

Ancillary Matters

There will be a hearing on Thursday 28 August 2025 at 10:00AM by Zoom to address various ancillary matters, including:

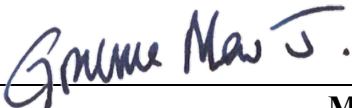
- authorising and directing the Receiver to assign the Debtor, or cause the Debtor to be assigned, into bankruptcy and naming KSV, or another Licensed Insolvency Trustee, to administer the estate as the Debtor's Trustee in Bankruptcy;
- approval of the proposed distribution from the net proceeds of sale of the transaction, or other property available for distribution;



Superior Court of Justice – East Region

- amendment of the Receivership Order dated 24 February 2025 *nunc pro tunc* to correct a typographical error in the one reference to the Debtor in the first preamble of the Receivership Order, from “2195132 Ontario Inc.” to “2195186 Ontario Inc.”; and
- approval of the activities of the Receiver as described in the Receiver’s Fourth Report.

Date: 7 August 2025



Mew J.