

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

<b>THE HONOURABLE</b>	)	<b>WEDNESDAY, THE 7th DAY</b>
	)	
<b>JUSTICE STEELE</b>	)	<b>OF OCTOBER, 2025</b>

**FOREMOST MORTGAGE HOLDING CORPORATION**

**Applicant**

**-and-**

**BARAKAA DEVELOPER INC., LERRATO INC. and 2145499 ONTARIO INC.**

**Respondents**

**ORDER**

**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 certain real properties of Barakaa Developer Inc. and Lerrato Inc., and the property, assets and undertakings of 2145499 Ontario Inc., for an order, *inter alia*, approving and authorising the disclaimer by the Receiver of the Agreements of Purchase and Sale and related documents in respect of 369 Porte Road, Ajax, Ontario and 377 Porte Road, Ajax, Ontario, and granting vacant possession to the Receiver, was heard this day by ZOOM videoconference.

**ON READING** the Receiver’s Fourth Report to the Court and appendices thereto, and on hearing the submissions of counsel for the Receiver, counsel for the 377 Purchasers and such other

counsel as were present, no one appearing for any other person on the service list, although properly served as appears from the Lawyer's Certificate of Service of Edmond Lamek dated September 29, 2025, filed,

## **SERVICE**

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

## **DISCLAIMER APPROVAL**

2. **THIS COURT ORDERS** that the disclaimer by the Receiver of the following agreements be and is hereby authorised and approved:

- i. the Agreement(s) of Purchase and Sale dated August 12, 2022 and May 23, 2024 (together, the "**369 Porte APS**") between Lerrato Inc. ("**Lerrato**"), as seller, and Muhammed Jehanzeb Agha (the "**369 Porte Purchaser**"), as Purchaser, pursuant to which the 369 Porte Purchaser had agreed to purchase the land and building known municipally as 369 Porte Road, Ajax, Ontario ("**369 Porte**"), and the chattels listed in the 369 Porte APS;
- ii. the License to Occupy dated January 1, 2024 between Lerrato and the 369 Porte Purchaser in respect of in respect of the occupation of 369 Porte by the 369 Porte Purchaser pending closing of the sale of 369 Porte (the "**369 Porte License**");
- iii. the Agreement(s) of Purchase and Sale dated August 12, 2022 and May 14, 2024 (together the "**377 Porte APS**") between Lerrato, as seller, and Rohitkumar M. Patel and Arvindaben R. Patel (the "**377 Porte Purchasers**"), as Purchasers, pursuant to which the 377 Porte Purchaser had agreed to purchase the land and

building known municipally as 377 Porte Road, Ajax, Ontario ("**377 Porte**"), and the chattels listed in the 377 Porte APS; and

- iv. any and all occupancy licenses or agreements between Lerrato and the 377 Porte Purchasers in respect of the occupation of 377 Porte by the 377 Porte Purchasers pending closing of the sale of 377 Porte;

### **VACANT POSSESSION**

3. **THIS COURT ORDERS AND DELCARES THAT** by no later than 4:00p.m on the date that is 30 days in the case of 377 Porte, and 45 days in the case of 369 Porte, from the date of delivery of a notice by the Receiver, or the next business day if that day is a weekend or holiday (the "**Vacancy Date**") to:

- (a) the 369 Porte Purchaser to deliver up vacant possession of 369 Porte, the Receiver is entitled to vacant possession of 369 Porte; and
- (b) the 377 Purchasers to deliver up vacant possession of 377 Porte, the Receiver is entitled to vacant possession of 377 Porte.

4. **THIS COURT ORDERS AND DELCARES THAT** by no later than 4:00p.m on the Vacancy Date, the 369 Porte Purchaser, the 377 Porte Purchasers and any other occupants of 369 Porte or 377 Porte, respectively, shall vacate 369 Porte and 377 Porte and, as applicable, and provide vacant possession to the Receiver.

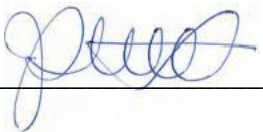
5. **THIS COURT ORDERS AND DELCARES THAT** that if the 369 Porte Purchaser, the 377 Porte Purchasers, or any other occupants of 369 Porte or 377 Porte refuse to vacate the applicable residence by or before 4:00pm on the Vacancy Date, then, at the request of the Receiver,

the Ontario Provincial Police and/or the Sherriff of the County of Durham, are hereby authorized and directed to accompany and assist the Receiver in taking vacant possession of such occupied residence.

6. **THIS COURT ORDERS AND DELCARES THAT** the Receiver be and is hereby granted leave of the Court to issue writs of possession directed to Sherriff of the County of Durham against 369 Porte Road, Ajax Ontario and/or 377 Porte Road, Ajax, Ontario, should the Receiver in its discretion determine it is advisable to do so.

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States 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.

8. **THIS COURT ORDERS** that this Order is effective from today's date and is enforceable without the need for entry and filing.



**FOREMOST MORTGAGE HOLDING CORPORATION**

and

**BARAKAA DEVELOPER INC., LERRATO INC.  
and 2145499 ONTARIO INC.**

**Applicant**

**Respondents**

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PROCEEDINGS COMMENCED AT TORONTO

**ORDER – APS DISCLAIMER**

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