

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

BETWEEN:

**LONDON VALLEY IV INC.,
by its Court-Appointed Receiver and Manager, KSV RESTRUCTURING INC.**

Plaintiff

and

RANDY HOFFNER

Defendant

COMPENDIUM OF THE PLAINTIFF

April 9, 2025

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Lawyers for the Plaintiff

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE
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BETWEEN:

**LONDON VALLEY IV INC.,
by its Court-Appointed Receiver and Manager, KSV RESTRUCTURING INC.**

Plaintiff

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Defendant

INDEX

TABS

DOCUMENT

1. KSV Kofman Inc., in its capacity as Receiver and manager of Certain Property of Scollard Development Corporation et al v. Textbook (256) Rideau Street) Inc., Court File No. CV-17-11805-00CL, Order of Justice Meyers and Endorsement dated May 17, 2017

TAB 1

MR. JUSTICE F.L. MYERS

Court File No. CV-17-11805-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

WEDNESDAY THE 17TH
DAY OF MAY, 2017

BETWEEN:

**KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER
OF CERTAIN PROPERTY OF SCOLLARD DEVELOPMENT
CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER)
LTD., MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858
ONTARIO INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK
(525 PRINCESS STREET) INC. AND TEXTBOOK (555 PRINCESS
STREET) INC.**

Plaintiff

- and -

TEXTBOOK (256 RIDEAU STREET) INC.

Defendant

ORDER
(Certificates of Pending Litigation)

THIS MOTION, made without notice by the plaintiff, KSV Kofman Inc. ("KSV") solely in its capacity as Receiver and Manager of certain property of Scollard Development Corporation, Memory Care Investments (Kitchener) Ltd., Memory Care Investments (Oakville) Ltd., 1703858 Ontario Inc., Legacy Lane Investments Ltd., Textbook (525 Princess Street) Inc. and Textbook (555 Princess Street) Inc. and not in its personal capacity or in any other capacity, pursuant to section 103 of the *Courts of Justice Act* and Rule 42 of the *Rules of Civil Procedure*, for certificates of pending litigation and related relief, was heard this day.

ON READING the materials filed by the plaintiff, including the Notice of Motion, the third report of KSV dated May 16, 2017 and the appendices thereto, the factum, and the brief of authorities of the plaintiff,

1. **THIS COURT ORDERS** that the Registrar shall issue Certificates of Pending Litigation on and as against title to:

(a) the real property municipally described as 256 Rideau Street, Ottawa, Ontario, which is legally described under PIN 04210-0004 (LT) as LT 7, PL 6 , S OF RIDEAU ST, S/T & T/W CR180805; OTTAWA; and

(b) the real property municipally described as 211 Besserer Street, Ottawa, Ontario, which is legally described under PIN 04210-0009 (LT) as PCL 7-1, SEC 6; LT 7, PL 6, PART 1 - 3, 4R919, N OF BESSERER; OTTAWA;

2. **THIS COURT FURTHER ORDERS** that the plaintiff is hereby granted leave to register this Order and the Certificates of Pending Litigation against title to the properties described in paragraph 1 above.

3. **THIS COURT FURTHER ORDERS** that this Order shall remain in full force and effect until further Order of this Court. In the event the defendant brings a motion to remove the Certificates of Pending Litigation, it may move for such relief on not less than seven days' notice to the plaintiff.

A handwritten signature in blue ink, appearing to be 'J. J. J.', is written over a horizontal line.

**KSV KOFMAN INC. in its capacity as Receiver and Manager of
Certain Property of Scollard Development Corporation, et al.
Plaintiff**

V.

TEXTBOOK (256 RIDEAU STREET) INC.

Defendant

Court File No: CV-17-11805-00CL

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

PROCEEDING COMMENCED AT
TORONTO

ORDER
(Certificates of Pending Litigation)

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Lawyers for the Plaintiff

FILE/DIRECTION/ORDER

BEFORE JUDGE: F.L. Myers J.

ACTION # Court File No. CV-17-11805-00CL

KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER
OF CERTAIN PROPERTY OF SCOLLARD DEVELOPMENT
CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER) LTD.,
MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858 ONTARIO
INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK (525 PRINCESS
STREET) INC. AND TEXTBOOK (555 PRINCESS STREET) INC.

Plaintiff(s)

·V·

TEXTBOOK (256 RIDEAU STREET) INC.

Defendant(s)

CASE MANAGEMENT: YES [] NO []

**COUNSEL: Sean Zweig, Jonathan
Bell** for the plaintiff

[XX] ORDER [] DIRECTION FOR REGISTRAR

[] REPORTED SETTLED ADJOURNED TO TRIAL SCHEDULING COURT _____
[] NO ONE APPEARED ADJOURNED TO TO BE SPOKEN TO COURT _____

I am satisfied that the plaintiff has a reasonable claim to an interest in the listed lands of the defendant and has made out triable issues. The payments made to the defendant appear to be in breach of the loan agreements governing the use of funds by the payors. The advances of funds to the defendant were booked as loans to other entities thereby misreporting the movement of funds and apparently confirming the advances lacked a *bona fide* business purpose. The funds were advanced contemporaneously with the defendant purchasing the properties that are the subject of tracing and proprietary claims in this action. While there may be legitimate bases proven down the road for the movements of funds, there is certainly enough concern as to the timing, misreporting, non-arm's length nature of payments apparently in breach of the payors' obligations so as to justify unjust enrichment and proprietary claims against the land in issue.

The plaintiff's determination to move without notice is allowed under the *Rules* and is justified given its understanding that the properties may be for sale. With misappropriation of public investors' funds at issue, speed and security are called for. Order signed as asked.

May 17, 2016

DATE

F.L. Myers J.

A handwritten signature in blue ink, appearing to be "F.L. Myers J.", written over a horizontal line. The signature is stylized and cursive.

LONDON VALLEY IV INC.
by its Court-Appointed Receiver and Manager,
KSV RESTRUCTURING INC.
Plaintiff

and

RANDY HOFFNER

Defendant

Court File No.:

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

Proceedings commenced at TORONTO

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