

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

B E T W E E N:

**MIZUE FUKIAGE, AKIKO KOBAYASHI, YOSHIKI FUKIAGE, KOBAYASHI
KYOHO DO CO., LTD., TORU FUKIAGE and KWANG-CHENG (TONY) WEI, IN HIS
PERSONAL CAPACITY AS A TAIWANESE INVESTOR AND IN HIS CAPACITY AS
AGENT FOR THE OTHER TAIWANESE INVESTORS**

Applicants

- and -

**CLEARVIEW GARDEN ESTATES INC., TALBOT CROSSING INC., NIAGARA
ESTATES OF CHIPPAWA II INC., LONDON VALLEY INC., LONDON VALLEY II
INC., LONDON VALLEY III INC., LONDON VALLEY IV INC., LONDON VALLEY V
INC., FORT ERIE HILLS INC., 2533430 ONTARIO INC., CGE CAPITAL
MANAGEMENT INC., TGP-TALBOT CROSSING INC., NEC II CAPITAL
MANAGEMENT INC., LV CAPITAL MANAGEMENT INC., LV II CAPITAL
MANAGEMENT INC., LV III CAPITAL MANAGEMENT INC., LV IV CAPITAL
MANAGEMENT INC., LV V CAPITAL MANAGEMENT INC., FORT ERIE HILLS
CAPITAL MANAGEMENT INC., HALTON PARK INC., NIAGARA FALLS PARK
INC., TSI-HP INTERNATIONAL CANADA INC., and TSI INTERNATIONAL-
GRANDTAG A2A NIAGARA IV INC.**

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SECTION 101 OF THE *COURTS OF
JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED AND RULES 14.05(2) AND (3) OF
THE *RULES OF CIVIL PROCEDURE*, R.R.O. 1990, REG. 194, AS AMENDED**

**NOTICE OF MOTION
(returnable December 9, 2025)**

KSV Restructuring Inc. (“KSV”), in its capacity as the Court-appointed receiver and manager (in such capacities, and not in its personal, corporate or any other capacity, the “Receiver”), without security, of the assets, undertakings and properties of Clearview Garden Estates Inc., Talbot Crossing Inc., Niagara Estates of Chippawa II Inc., London Valley Inc., London Valley II Inc., London Valley III Inc., London Valley IV Inc., London Valley V Inc., Fort Erie Hills Inc., 2533430 Ontario Inc. and as Receiver in respect of certain property of CGE Capital Management Inc., TGP-Talbot Crossing Inc., NEC II Capital Management Inc., LV Capital Management Inc., LV II Capital Management Inc., LV III Capital Management Inc., LV

IV Capital Management Inc., LV V Capital Management Inc., Fort Erie Hills Capital Management Inc., Halton Park Inc., Niagara Falls Park Inc., TSI-HP International Canada Inc., and TSI International-Grandtag A2A Niagara IV Inc., will make a motion to a Judge of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) on December 9, 2025 at 11 a.m., or as soon after that time as the motion can be heard, by judicial videoconference via Zoom details to be provided by the Court.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- ☐ in writing under subrule 37.12.1 (1);
- ☐ in writing as an opposed motion under subrule 37.12.1 (4);
- ☐ in person;
- ☐ by telephone conference;
- ☒ by video conference.

THE MOTION IS FOR:

1. an Order, substantially in the form included in the Motion Record, *inter alia*:
 - (a) extending the Claims Bar Date (as defined by the Claims Process and Interest Holdings Identification Order dated October 23, 2025 (the “**CPO**”)) from January 30, 2026 to February 27, 2026;
 - (b) authorizing the Receiver to make further extensions of any deadlines under the CPO by up to 30 days, where the Receiver considers such extensions to be desirable for the effective administration of the receivership proceedings; and
2. such other relief as this Honourable Court deems necessary.

THE GROUNDS FOR THE MOTION ARE:

Background:

3. pursuant to the Order granted by The Honourable Madam Justice Steele on March 6, 2025, as amended and restated by the subsequent Order granted by Her Honour on October 23, 2025 (the “**Receivership Order**”) KSV was appointed as Receiver, without security, of the assets, undertakings and properties of Clearview Garden Estates Inc., Talbot Crossing Inc., Niagara Estates of Chippawa II Inc., London Valley Inc., London Valley II Inc., London Valley III Inc., London Valley IV Inc., London Valley V Inc., Fort Erie Hills Inc., 2533430 Ontario Inc., pursuant to section 101 of the *Courts of Justice Act*;
4. the Receivership Order also appointed KSV as Receiver, without security, in respect of certain property of CGE Capital Management Inc., TGP-Talbot Crossing Inc., NEC II Capital Management Inc., LV Capital Management Inc., LV II Capital Management Inc., LV III Capital Management Inc., LV IV Capital Management Inc., LV V Capital Management Inc., Fort Erie Hills Capital Management Inc., Halton Park Inc., Niagara Falls Park Inc., TSI-HP International Canada Inc., and TSI International-Grandtag A2A Niagara IV Inc., with the scope of such appointment as defined in the Receivership Order;

Claims Process and Interest Holdings Identification Order:

5. on October 23, 2025, Justice Steele granted the CPO which set a Claims Bar Date of January 30, 2026;
6. since issuance of the CPO, the Receiver has taken steps to prepare and deliver all notices and claims packages as required under the CPO;
7. due to the volume of notices and claims packages to be prepared and delivered, and the fact that most stakeholders are based overseas, it has taken longer than anticipated to complete delivery of such notices and claims packages;
8. in light of the foregoing and the upcoming holiday season, and in order to ensure that stakeholders have adequate time to consider the notices and/or claims packages they

receive, as applicable, and to complete all necessary forms and return them to the Receiver before the Claims Bar Date, the Receiver now considers it desirable to extend the Claims Bar Date to February 27, 2026;

9. the other grounds set out in the Supplement to the Fourth Report of the Receiver (the **“Supplemental Report”**);
10. sections 100 and 137 of the *Courts of Justice Act* (Ontario);
11. rules 1.04, 2.03, 3.02, 37 and 41 of the *Rules of Civil Procedure* (Ontario); and
12. such further and other grounds as counsel may advise and this Court may permit.
13. **THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:
 - (a) the Supplemental Report; and
 - (b) such further and other material as counsel may submit and this Court may permit.

Date: December 5, 2025

AIRD & BERLIS LLP
 Barristers and Solicitors
 Brookfield Place
 181 Bay Street, Suite 1800
 Toronto, ON M5J 2T9

Mark van Zandvoort (LSO No. 59120U)
 Email: mvanzandvoort@airdberlis.com

Kyle Plunkett (LSO No. 61044N)
 Email: kplunkett@airdberlis.com

Adrienne Ho (LSO No. 68439N)
 Email: aho@airdberlis.com

Calvin Horsten (LSO No. 90418I)
 Email: chorsten@airdberlis.com

Tel: (416) 863-1500

Lawyers for the Receiver

TO: SERVICE LIST

MIZUE FUKIAGE, *et al.*

- and -

CLEARVIEW GARDEN ESTATES INC. *et al.*

Applicants

Respondents

Court File No. CV-25-00736577-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

NOTICE OF MOTION
(returnable December 9, 2025)

AIRD & BERLIS LLP

Barristers and Solicitors

Brookfield Place

181 Bay Street, Suite 1800

Toronto, ON M5J 2T9

Mark van Zandvoort (LSO No. 59120U)

Email: mvanzandvoort@airdberlis.com

Kyle Plunkett (LSO No. 61044N)

Email: kplunkett@airdberlis.com

Adrienne Ho (LSO No. 68439N)

Email: aho@airdberlis.com

Calvin Horsten (LSO No. 90418I)

Email: chorsten@airdberlis.com

Tel: (416) 863-1500

Lawyers for the Receiver