



**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

COUNSEL SLIP / ENDORSEMENT

COURT FILE NO.: CV-24-00721560-00CL **DATE:** MAY 15, 2026

REGISTRAR: ASHAAD KAZIM

NO. ON LIST: 1

**TITLE OF PROCEEDING: EQUITABLE BANK v.
EQUITYLINE SPV LIMITED PARTNERSHIP**

BEFORE: JUSTICE FL MYERS

PARTICIPANT INFORMATION

For Plaintiff, Applicant / Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Rebecca Kennedy Scott McGrath Derek Harland	Lawyer for the Receiver, KSV Restructuring Inc.	rkennedy@tgf.ca smcgrath@tgf.ca dharland@tgf.ca

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Michael Kestenberg	Lawyer for the Defendant, Daniella Harrison	michael@kestenberglitigation.com

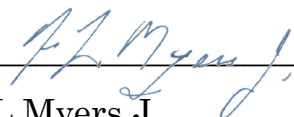
For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Tony Antoniou	Lawyer for the Non-Party, TitlePLUS	tony@alaw.ca

ENDORSEMENT OF JUSTICE FL MYERS:

1. The Receiver finds itself in a time bind due to the possible upcoming expiry of a limitation period that would preclude the general partner of the limited partnership mortgagee from defending a third-party claim and crossclaiming in that proceeding.
2. The GP is not as yet subject to the receivership expressly. Whether the rights granted to the Receiver over the mortgage in question effectively binds the GP's interest may be a question for another day when the urgency is abated.
3. The Receiver asks the court to toll the limitation period temporarily to allow it to deal with the issue - hopefully on a consensual basis. It agrees with Mr. Kestenberg's client that the relief is sought on a prospective basis only. Nothing in the order sought will prejudice any accrued rights that may have arisen already by the expiry of limitation periods or other time limits.
4. I do not need to decide if an order under s.101 of the *CJA* may be the type of statutory authority that can overcome a limitation period as contemplated by s. 20 of the *Limitations Act, 2002*, SO 2002, c 24, Sch B. Even if it is not, I would exercise inherent jurisdiction to help resolve the gap in law that arises when one has possession and control of property belonging to a limited partnership without necessarily having the entitlement to exercise the authority of the GP to sue. No statute says who is lawfully empowered to act in that circumstance. It is a classic case for the court to step in with inherent authority to do justice for a brief period to allow parties to find a solution to protect everyone as best as possible in the circumstances.

5. I suspend all prescription, time, or limitation period that may hereafter expire relating to the proceedings bearing court file numbers CV-23-00002794-0000 and CV-23-00002794-00A1. The suspension will continue for 90 days subject to further order of the court.


FL Myers J.

Justice FL
Myers

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