

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

**IN THE MATTER OF THE RECEIVERSHIP OF EQUITYLINE SPV LIMITED
PARTNERSHIP**

B E T W E E N:

EQUITABLE BANK

Applicant

And

EQUITYLINE SPV LIMITED PARTNERSHIP

Respondent

**AIDE MEMOIRE OF DANIELLE HARRISON
(Case Conference to be held May 15, 2026)**

1. Kestenberg Litigation LLP represents Danielle Harrison (“Harrison”).
2. Harrison is a Third Party to the Third-Party claim issued by Adrian Van Dijk (“Van Dijk”), (Ontario SCJ, Court File no. CV-23-00002794-00A1) (the “Third-Party Claim”).

BACKGROUND

3. In or around April 2022, Harrison, a real estate lawyer, was retained by Van Dijk to represent him in a mortgage transaction. Prior to Harrison’s retainer, Van Dijk as mortgagor had signed a commitment for a \$360,000.00 loan for renovations to his home at 19-700 Paisley Road, Guelph, Ontario, in exchange for a mortgage to be registered on title to his home in favour of Computershare Trust Company (“Computershare”), as mortgagee. The mortgage transaction closed on May 12, 2022.

THE COMPUTERSHARE ACTION

4. On September 21, 2023, an action was issued by Computershare as Plaintiff against Van Dijk as Defendant, for payment and possession of the mortgaged property, (Ontario SCJ, Court File no. CV-23-00002794-0000). On May 24, 2024, the Third-Party Claim was issued by Van Dijk against, amongst others, Harrison. The Third-Party Claim was never served on Harrison. A copy of the Third-Party Claim was provided to Harrison's lawyer in or around February 2026 by a party, unrelated to Van Dijk.
5. On February 4, 2026, Michael Kestenberg ("Kestenberg") a partner with Kestenberg Litigation LLP, wrote to Steven Gadbois, of Lowe, Salmond Gadbois & Clarke, lawyers for Van Dijk, inquiring if the Third-Party Claim was ever served on Harrison and, if so, to provide a copy of an Affidavit of Service. Kestenberg also left several voice mail messages. A response was not received.
6. Rule 29.02(2) of the Rules of Civil Procedure requires that a Third-Party claim be served on a Third Party within 30 days after it is issued. There is no evidence that the Third-Party Claim was served on Harrison nor any of the Third Parties. In addition, it does not appear that a motion has been brought on behalf of Van Dijk to extend the time in which to serve the Third-Party Claim.

RELIEF REQUESTED

7. The Receiver is requesting a Tolling Order.
8. There is no evidence that the Third-Party Claim has been served nor that a motion has been brought to extend the time in which to serve the Third-Party Claim. Harrison has a limitation defence given that the mortgage transaction closed on May 12, 2022, the Third-Party Claim was issued on May 24, 2024, and it has not yet been served.

9. Any Tolling Order should be without prejudice to Harrison's ability to raise a limitation period defence against any claim made by Van Dijk or anyone on his behalf.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 14th day of May, 2026

"Michael R. Kestenberg"

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Lawyers for the Court-appointed receiver of EquityLine SPV Limited Partnership,
KSV Restructuring Inc.

EQUITABLE BANK
Applicant

- and -

EQUITYLINE SPV LIMITED PARTNERSHIP
Respondent

Court File No.: CV-24-00721560-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at TORONTO

AIDE MEMOIRE
OF DANIELLE HARRISON

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