

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

THE HONOURABLE MR.

)

THURSDAY, THE 27<sup>th</sup>

JUSTICE HAINEY

)

DAY OF AUGUST, 2020

)



IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF FORME DEVELOPMENT GROUP INC. AND THE OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

APPLICATION UNDER THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

Estate File No.: 31-2436568

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

IN THE MATTER OF THE PROPOSAL OF  
58 OLD KENNEDY DEVELOPMENT INC.,  
76 OLD KENNEDY DEVELOPMENT INC. AND  
82 OLD KENNEDY DEVELOPMENT INC.,  
ALL CORPORATIONS INCORPORATED UNDER THE LAWS  
OF ONTARIO

**ORDER**

**THIS MOTION**, made by KSV Kofman Inc. ("KSV"), in its capacity as Court-appointed monitor (in such capacity, the "Monitor") of the Applicants in their proceedings pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended, and in its capacity as proposal trustee of 58 Old Kennedy Development Inc., 76 Old Kennedy Development Inc., and 82

Old Kennedy Development Inc. (in such capacity, the "**Proposal Trustee**"), for an Order, *inter alia*: (i) abridging the time for service of the Notice of Motion and the Motion Record herein, if necessary, and validating service thereof; (ii) extending the Stay Period (as defined in paragraph 15 of the Initial Order of this Court made on November 30, 2018, as amended and restated) to and including November 30, 2020; (iii) authorizing the Monitor to make a distribution to 2557725 Ontario Inc. in respect of its admitted secured Claim (as that term is defined in the Order of this Court dated October 22, 2019) against 22 Old Kennedy Inc. ("**22 Old Kennedy**"); and (iv) increasing the fee cap of Koskie Minsky LLP, in its capacity as Court-appointed representative counsel (in such capacity, "**Representative Counsel**") to a group of condominium purchasers at 2358825 Ontario Ltd.'s Birchmount project (the "**Birchmount Purchasers**"), from \$150,000 to \$225,000, was heard via videoconference.

**ON READING** the Notice of Motion of the Monitor and the Fourteenth Report of the Monitor and the Tenth Report of the Proposal Trustee dated August 19, 2020 (the "**Report**"), together with the appendices thereto, and on hearing the submissions of counsel for the Monitor, and such other parties as were present, no one else appearing although duly served as appears from the affidavit of service of Aiden Nelms, sworn;

#### **SERVICE**

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record herein be and are hereby abridged and validated so that the Motion is properly returnable today.

**STAY EXTENSION**

2. **THIS COURT ORDERS** that the Stay Period be and is hereby extended until and including November 30, 2020.

**PROPOSED DISTRIBUTIONS**

3. **THIS COURT ORDERS** that the Monitor is authorized to make (or cause to be made) one or more distributions to 2557725 Ontario Inc., or as it may direct, up to the amount owing under its secured Claim against 22 Old Kennedy from the Surplus (as defined in the Report).

**REPRESENTATIVE COUNSEL'S FEE CAP**

4. **THIS COURT ORDERS** that Representative Counsel's Fee Cap (as that term is defined in the Order of this Court dated May 24, 2019) is hereby increased from \$150,000 to \$225,000.



ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

AUG 31 2020

PER / PAR: 

**SCHEDULE "A"**  
**APPLICANTS**

3310 Kingston Development Inc.

1296 Kennedy Development Inc.

1326 Wilson Development Inc.

5507 River Development Inc.

4439 John Development Inc.

2358825 Ontario Ltd.

250 Danforth Development Inc.

159 Carrville Development Inc.

169 Carrville Development Inc.

189 Carrville Development Inc.

27 Anglin Development Inc.

29 Anglin Development Inc.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED  
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF FORME DEVELOPMENT GROUP INC. AND THE  
OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

Estate No. 31-2436538

IN THE MATTER OF THE PROPOSAL OF 58 OLD KENNEDY DEVELOPMENT INC., 76 OLD KENNEDY DEVELOPMENT INC., 82  
OLD KENNEDY DEVELOPMENT INC., 9500 DUFFERIN DEVELOPMENT INC., 250 DANFORTH DEVELOPMENT INC., 3310  
KINGSTON DEVELOPMENT INC., 1296 KENNEDY DEVELOPMENT INC., 159 CARVILLE DEVELOPMENT INC., ALL  
CORPORATIONS INCORPORATED UNDER THE LAWS OF ONTARIO

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

Proceeding commenced at Toronto

**ORDER**

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Counsel to KSV Kofman Inc., solely in its capacity  
as Court-appointed monitor and proposal trustee, and  
not in its personal capacity