

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

April 15, 2020
TUESDAY, THE 31ST

THE HONOURABLE MR.)
)
JUSTICE HAINEY)

DAY OF MARCH, 2020

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY*
ACT, R.S.C. 1985, c. B-3, AS AMENDED

AND IN THE MATTER OF THE PROPOSAL OF YUAN HUA
(MIKE) WANG

APPLICATION UNDER THE *BANKRUPTCY AND*
INSOLVENCY ACT, R.S.C. 1985, c. B-3, AS AMENDED

ORDER
(DECLARE PROPOSAL DEEMED TO BE REFUSED
AND SUBSTITUTE TRUSTEE)



THIS MOTION made by Ferina Construction Limited (“**Ferina**”), with the support of the creditors listed in Schedule “A” hereto, for an order: i) declaring that the proposal of Yuan Hua (Mike) Wang (“**Wang**”) is deemed to be refused by creditors; and ii) substituting KSV Kofman Inc. as trustee of the bankruptcy estate of Wang, with Bennett Jones LLP as the trustee’s counsel, was heard this day by telephone conference;

ON READING (i) Ferina’s Motion Record, Supplemental Motion Record, including the Reports of KSV Kofman Inc. in its capacity as the Monitor in the *Companies’ Creditors Arrangement Act* proceeding bearing court file number CV-18-608313-00CL (the “**CCAA Proceeding**”) attached thereto, (ii) Wang’s Motion Record and Responding Motion Record; (iii) Wang’s Proposal filed in the proceeding bearing court file number 31-2610052 commenced under

the *Bankruptcy and Insolvency Act*, RSC 1985, c B3, and (iv) the Affidavit of Service of Gloria Kalkounis sworn January 20, 2020 and the Affidavit of Service of Maria Magni sworn March 18, 2020 and upon being satisfied that all parties on the Service List in these proceedings were served with the Ferina's Motion Record, Supplemental Motion Record, and Factum;

AND UPON HEARING from counsel to Ferina, the Monitor in the CCAA Proceeding, Wang, Wang's Proposal Trustee, and such other counsel for other parties as attended the motion by telephone conference, as indicated on the Counsel Slip;

1. **THIS COURT ORDERS** that the time for service of Ferina's Motion Record and Supplemental Motion Record be and hereby are validated so that the Motion is properly returnable today.
2. **THIS COURT DECLARES** that the proposal of Yuan Hua (Mike) Wang is deemed to be refused by his creditors.
3. **THIS COURT ORDERS AND DIRECTS** that KSV Kofman Inc. be, and is hereby substituted as trustee in bankruptcy of Wang (in such capacity, the "**Trustee**"), with Bennett Jones LLP acting as the Trustee's counsel.
4. **THIS COURT ORDERS** that, notwithstanding the Claims Procedure Order dated October 22, 2019 in the CCAA Proceeding, as Yuan Hua (Mike) Wang is deemed bankrupt, KSV Kofman Inc., in its capacities as Monitor in the CCAA Proceeding and trustee in bankruptcy of Yuan Hua (Mike) Wang, is entitled to determine all Wang Claims (as that term is defined in the Claims Procedure Order), subject to such directions from this Court as may be sought by the Trustee, and subject always to the right of any creditor to dispute and appeal from any such determination of its claim in accordance with the Claims Procedure Order.

5. **THIS COURT ORDERS** that, notwithstanding: (i) the Undertaking dated March 11, 2019 that was approved by this Court by Order dated March 18, 2019 in the CCAA Proceeding (the "**Undertaking Order**") and (ii) the Ancillary Order of this Court dated February 20, 2020 in the CCAA Proceeding, the reasonable fees and costs of the Trustee and Bennett Jones LLP, as counsel to the Trustee, may be paid out of the surplus funds presently on deposit with Bennett Jones LLP in accordance with the Undertaking Order and the Ancillary Order. All such fees shall be subject to review and approval by this Court, or taxation in the ordinary course of the bankruptcy estate.

A handwritten signature in cursive script, appearing to read "Hainey J.", is written over a horizontal line.

SUPERIOR COURT OF JUSTICE
ENTERED
APR 16 2020
COUR SUPERIEURE DE JUSTICE
ENTRE

A small, handwritten mark or signature, possibly initials, is located below the court stamp.

SCHEDULE "A"
CREDITORS SUPPORTING FERINA'S MOTION

Tarion Warranty Company

Home Trust Company

First Source Financial Management Inc.

The Birchmount Purchasers

Toronto Standard Condominium Corporation #2693

2627235 Ontario Inc.

2603616 Ontario Inc.

2611622 Ontario Inc.

2557725 Ontario Inc.

APPLICATION UNDER the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c C-36, as amended
AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF YUAN HUA (MIKE) WANG
Court File No.: 31-2610052
Estate No. 31-2610052

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER

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