

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE
OF ONTARIO**

**GRANT THORNTON LIMITED, in its capacity as Licensed Insolvency Trustee of
Yuan Hua (Mike) Wang**

**BRIEF OF DOCUMENTS TO THE WRITTEN SUBMISSIONS OF
YUAN HUA (MIKE) WANG
(Opposing the Scheduling of an Urgent Motion during Covid-19 Crisis)**

Date: March 23, 2020

BLANEY MCMURTRY LLP
Barristers & Solicitors
2 Queen Street East, Suite 1500
Toronto ON M5C 3G5

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Counsel for Yuan Hua (Mike) Wang

**ONTARIO
SUPERIOR COURT OF JUSTICE
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IN BANKRUPTCY AND INSOLVENCY

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TAB 1

Court File No.: 31-2610052
Estate No. 31-2610052

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

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

AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF **YUAN HUA (MIKE) WANG**

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

Court File No. CV-18-608313-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

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 OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO

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

NOTICE OF MOTION

The moving party, Ferina Construction Limited ("**Ferina**"), will make a Motion to a Judge presiding over the Commercial List, on Thursday, February 20, 2020 at 10:00 a.m., or as soon after that time as the motion can be heard at 330 University Avenue, Toronto.

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

THE MOTION IS FOR:

1. A declaration that the period during which a proposal may be filed in the Matter of the Notice of Intention to Make a Proposal of Yuan Hua (Mike) Wang (the “**BIA Proceeding**”) is terminated;
2. An order substituting KSV Kofman Inc. (“**KSV**”) as trustee of the bankruptcy estate of Yuan Hua (Mike) Wang (“**Wang**”) with Bennett Jones LLP as the trustee’s counsel;
3. An order that any Proof of Claim in respect of Wang Claims (as defined in the Claims Procedure Order dated October 22, 2019) (the “**Claims Procedure Order**”) delivered to the Monitor on or before January 10, 2020 within the CCAA Proceeding (as hereinafter defined) be deemed to be a Proof of Claim filed in the BIA Proceeding;
4. Such further and other relief as to this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE:

5. On November 30, 2018, Forme Development Group Inc. and a number of affiliated entities were granted protection under the *Companies’ Creditors Arrangement Act*, RSC 1985, c C-36 (the “**CCAA**”).
6. The stay of proceedings in the CCAA Proceeding (the “**CCAA Proceeding**”) was expanded to include claims against Wang personally. Wang sought the benefit of a stay of proceedings in order to prevent creditors from pursuing their individual rights against him, and

purportedly to use the proceeds of sale generated within the CCAA Proceeding to repay his creditors, including creditors with guarantee claims against him;

7. The Initial Order dated November 30, 2018 in the CCAA Proceeding appointed KSV as “super” Monitor in order to respond to concerns raised by mortgagees of the Applicants, including with respect to Wang’s management of the Applicants;

8. Ferina was a secured creditor of one of the Applicants in the CCAA Proceeding, 3310 Kingston Development Inc., pursuant to a mortgage. The property subject to the mortgage was sold within the CCAA proceeding, and nominal proceeds of sale were received by Ferina as second mortgagee, after payment of amounts owing to the prior-ranking mortgagee on the property;

9. Ferina is also an unsecured creditor of Wang pursuant to a written guarantee.

The Undertaking

10. In March 2019, in response to concerns raised by the Monitor regarding the conduct of Wang and certain companies affiliated with the Applicants (the “**Non-Applicants**”), Wang and the Non-Applicants executed an undertaking in favour of the Court (the “**Undertaking**”). The concerns identified by the Monitor included the level of communication, transparency, and lack of respect for the CCAA Proceeding displayed by Wang and other members of the Forme Group, and a risk that Wang could move funds out of the reach of his creditors;

11. The Undertaking was negotiated as between Wang, the Non-Applicants, the Monitor, and their respective counsel and was attached to and formed part of an Order issued by the Court in the CCAA proceeding;

12. The Undertaking provided, among other things, that
- (a) the real property of the Non-Applicants would be sold, and that the proceeds of such sales would be held in trust by the Non-Applicants' counsel, Cassels Brock & Blackwell LLP ("**CBB**");
 - (b) the sale proceeds would be used to repay the mortgagees of each Non-Applicant, and that any balance remaining would be paid to each Non-Applicant's other creditors pursuant to a Court-approved claims process conducted by the Monitor;
 - (c) the aggregate of any remaining surplus (the "**Surplus**") following such claims process would be used to pay all claims guaranteed by Wang, and that no amount of the Surplus would be received by Wang or any other entity without the consent of the Monitor or order of the Court;

First Motion to Amend the Undertaking - Refused

13. In June 2019, Wang brought a motion to amend the Undertaking to provide for the use of the Surplus to pay his personal litigation and insolvency counsel. After opposition from the Monitor and several mortgagees, Wang's motion was adjourned *sine die* pursuant to an endorsement of the Honourable Justice Hailey dated August 7, 2019. That endorsement required that Wang provide full financial disclosure of all of his assets, income and interests in order for the Monitor to consider any request that the Surplus be used to fund Wang's counsel;

14. Wang provided some financial disclosure, on a confidential basis, to the Monitor, however, the Monitor was unable to conclude that Wang lacked sufficient resources to pay for his own

counsel. Wang refused to submit to an examination by the Monitor and has never done so to this date;

The Claims Process

15. Pursuant to the Claims Procedure Order, a claims process was established in the CCAA Proceeding (the “**Claims Process**”). It was clearly contemplated that the Claims Process would be the sole mechanism by which all claims against Wang would be determined, and that was the stated purpose of calling for claims to be filed against Wang;

16. The Claims Process was the result of extensive negotiations between the Monitor, Wang (and his counsel at the time), and the stakeholders in the CCAA Proceeding;

17. Ferina participated in the discussions with the Monitor leading to the Claims Procedure Order and relied upon the terms of same in not taking other steps including a motion to lift the stay of proceedings in order to have its claim against Wang addressed;

18. The Claims Process required the Monitor and Wang to jointly accept, revise, or disallow a claim made against Wang (whether pursuant to a guarantee, or otherwise) by January 27, 2020. If Wang and the Monitor could not reach such a joint determination regarding a claim against him, Wang was required to bring a motion for such a determination;

19. Ferina filed a claim against Wang in the Claims Process;

20. On Friday, January 24, 2020, one business day before the deadline provided for in the Claims Process, Wang filed a Notice of Intention to Make a Proposal (the “**NOI**”);

21. Despite being aware of Ferina’s claim against him, Wang did not list Ferina as a creditor in the Statement of Affairs filed as part of the NOI;

22. On Monday, January 27, 2020, Wang wrote to the Monitor and advised that in his view all claims against him should be disallowed. Wang did not advise of any intention to comply with the Claims Process by bringing a motion to have any claim against him adjudicated by the Court or a claims officer (as provided for in the Claims Process);

23. Wang did not advise the Monitor that on Friday, January 24, 2020 he had filed an NOI;

Second Attempt to Amend the Undertaking – Without Notice

24. On January 30, 2020, without notice to the Monitor or Ferina or any other stakeholders in the proceeding, existing counsel and intended new counsel to the Non-Applicants and intended counsel to the NOI trustee attended before this Honourable Court on a 9:30 chambers appointment. Without any Notice of Motion or supporting Affidavit being provided to the Court, counsel requested an order amending the Undertaking;

25. The following day, still without notice to the Monitor or any stakeholder, counsel to the Non-Applicants (Larry Ellis of CBB) delivered a Motion Record to the Court and counsel from that firm re-attended to obtain the requested order. The Motion Record for this *ex parte* Order failed to disclose that, just one week earlier: (i) four of the Non-Applicants had filed assignments in bankruptcy, (i) Wang had filed an NOI, and that (iii) each of these facts remained hidden from the Monitor and all stakeholders on the Service List;

26. Larry Ellis moved from CBB (previously counsel to the Non-Applicants) and now practices with Miller Thompson LLP. Miller Thompson LLP now purports to act as counsel to Grant Thornton in its capacity as: (i) trustee in bankruptcy of the 4 Non-Applicants who filed assignments, and (ii) Proposal Trustee of Wang;

27. The amendment to the Undertaking obtained on an *ex parte* basis provided that the Surplus would be transferred from CBB and be held in trust by new counsel to the Non-Applicants, Gardiner Roberts LLP, with all professional fees to be paid from the Surplus;

Wang Bankruptcy is Appropriate and Necessary

28. The NOI Proceeding by Wang is merely the latest device employed by Wang to put his creditors to further inconvenience and expense, in an effort to avoid responsibility for claims against him. It is an attempt to assume control of all aspects of the determination of claims and distributions to creditors with *bona fide* claims – evidenced by an attempt to ignore and not include on the Statement of Affairs all creditors with claims filed in accordance with the Claims Procedure Order;

29. With the benefit of counsel, Wang participated in the negotiation of both the Undertaking and the Claims Process, and the related orders. The NOI Proceeding undermines the spirit and purpose of those orders, and is a thinly-veiled attempt to circumvent their underlying purpose, which is to: a) preserve the Surplus for the benefit of his creditors; and b) require a proper court-supervised determination of the claims against Wang;

30. The *ex parte* motion to amend the Undertaking and attempted transfer of the funds held by CBB to new counsel to the Non-Applicants was an attempt to put such funds in the hands of advisors who Wang believes would be more likely to implement his requests for any access to such funds;

31. Wang has a history of attempting to remove assets from the reach of his creditors and of failing to meet his disclosure obligations. The conduct detailed in the Third and Ninth Reports of the Monitor are clear examples of this;

32. A bankruptcy of Wang, with KSV as trustee, is the most appropriate forum for the transparent and proper determination of claims and distributions to creditors in these circumstances. It will ring-fence all insolvency and bankruptcy proceedings “under one roof”, is most consistent with the single-proceeding model for insolvency matters, will ensure that creditors have one source to go to for information and reporting, and ensure that the court officer and counsel undertaking the role of trustee and counsel to the trustee have the confidence of creditors. KSV is most familiar with Wang’s affairs and his relationship with the Applicants and Non-Applicants, is most familiar with the Undertaking which the parties are bound by, and is the most cost-effective party to act as trustee in bankruptcy;

33. There is no proposal that Wang can put forward that would provide a viable proposal that would provide more recovery for his creditors than would be available in a bankruptcy – a requirement for a proposal to be successful. Wang’s own evidence is that his only assets are the equity in the Non-Applicant companies, which will form part of the Surplus. The Surplus is already ear-marked by Court Order to be distributed to Wang’s creditors;

34. To the extent that Wang might have other assets, Wang has refused to submit to an examination by the Monitor that would reveal same. Upon bankruptcy, Wang can be examined pursuant to s.163 of the *Bankruptcy and Insolvency Act* to ensure that there is full disclosure of all assets and available sources of recovery for his creditors;

35. Wang cannot put forward a proposal that would be accepted by his creditors, as Ferina is not prepared to support any proposal put forward by Wang. The quantum of Ferina’s claim (alone) against Wang represents a veto over any proposal that might be presented, based on the claims of creditors listed in Wang’s Statement of Affairs;

KSV Consents to Act as Trustee

36. KSV has advised Ferina that it is prepared to act as the trustee in Wang's bankruptcy if the Order sought by Ferina is granted, and Bennett Jones has advised Ferina that it is prepared to act as the trustee's counsel in Wang's bankruptcy;

Statutory Provisions

37. Sections 4.02, 14.04, and 50.4(11) of the *Bankruptcy and Insolvency Act*;

38. Rules 2.03 and 37.14(1)(a) of the *Rules of Civil Procedure*; and,

39. Such further and other grounds as this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

40. The Affidavit of Gloria Kalkounis, sworn on February 19, 2020;

41. The Reports of the Monitor filed in the CCAA Proceeding, including but not limited to the Third, Ninth and Twelfth Reports of the Monitor;

42. Such further and other evidence as this Honourable Court may permit.

- 10 -

February 19, 2020

Thornton Grout Finnigan LLP
Barristers and Solicitors
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Alexander Soutter (LSO#72043T)
Tel: 416-304-0595
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Fax: 416-304-1313

Lawyers for the Moving Party,
Ferina Construction Limited

TO: THE SERVICE LIST

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SCHEDULE "A"
THE 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.

APPLICATION UNDER 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. et al**

Court File No.: CV-18-608313-00CL

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

NOTICE OF MOTION

Thornton Grout Finnigan LLP
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Lawyers for Ferina Construction Limited

TAB 2

Court File No. 31-2610052
Estate File No. 31-2610052

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE
OF ONTARIO**

**RESPONDING MOTION RECORD OF YUAN HUA (MIKE) WANG
(Returnable March 31, 2020)**

March 2, 2020

BLANEY McMURTRY LLP
Barristers and Solicitors
1500 - 2 Queen Street East
Toronto, ON M5C 3G5

David Ullmann (LSO #423571)
Tel: (416) 596-4289
Fax: (416) 594-2437
Email: dullmann@blaney.com

Lawyers for Yuan Hua (Mike) Wang

TO:	<p>MILLER THOMSON LLP 100 New Park Place, Suite 700 Vaughan, Ontario L4K 0H9</p> <p>Bobby H. Sachdeva Tel: (905) 532-6670 Fax: (905) 660-0139 Email: bsachdeva@millერთhompson.com</p> <p><i>Lawyers for Grant Thornton Limited (“Proposal Trustee”)</i></p>
	<p>GRANT THORNTON LIMITED 11th Floor – 200 King Street West Toronto, ON M5H 3T4</p> <p>Dan Wootton Tel: (416) 360-3063 Fax: (416) 360-4949 Email: Dan.Wootton@ca.gt.com</p> <p><i>The Proposal Trustee</i></p>
AND TO:	<p>Mr. Yuan Hua (Mike) Wang</p> <p>Mike@formeddevelopmentgroup.com</p> <p><i>The Debtor</i></p>
AND TO:	<p>GARDINER ROBERTS LLP Bay Adelaide Centre – East Tower 22 Adelaide Street West, Suite 3600 Toronto, ON M5H 4E3</p> <p>Chris Besant Tel: (416) 865-4022 Fax: (416) 865-6636 Email: cbesant@grllp.com</p> <p><i>Lawyers for the “Non-Applicant Companies”</i></p>

AND TO:	<p>THORNTON GROUT FINNIGAN LLP TD West Tower, Toronto-Dominion Centre 100 Wellington Street West, Suite 3200 Toronto, ON M5K 1K7</p> <p>D.J. Miller (LSO# 34393P) Tel: (416) 304-0559 Fax: (416) 304-1313 Email: djmiller@tgf.ca</p> <p>Alexander Soutter (LSO# 74203T) Tel.: (416) 304-0595 Email: asoutter@tgf.ca</p> <p><i>Lawyers for Ferina Construction Limited</i></p>
AND TO:	<p>PALIARE ROLAND ROSENBERG ROTHSTEIN LLP 155 Wellington Street West, 35th Floor Toronto, ON M5V 3H1</p> <p>Jeffrey Larry Tel: (416) 646-4330 Fax: (416) 646-4301 Email: Jeff.Larry@paliareroland.com</p> <p><i>Lawyers for First Source Financial Management Inc.</i></p>
AND TO:	<p>ROBINS APPLEBY LLP Barristers & Solicitors 120 Adelaide Street, West Toronto, ON M5H 1T1</p> <p>Dominique Michaud Tel: (416) 360-3795 Fax: (416) 868-0306 Email: dmichaud@robapp.com</p> <p><i>Lawyers for 2586614 Ontario Inc., 2592898 Ontario Inc., 2620094 Ontario Inc., 2627235 Ontario Inc., 2638796 Ontario Inc., 2646429 Ontario Inc., 2603616 Ontario Inc., 2611622 Ontario Inc., 10226190 Canada Ltd., 2557725 Ontario Inc., 2612316 Ontario Inc., Wenguang Liu and Yan Yan</i></p>

AND TO:	<p>TORYS LLP 79 Wellington St. W., Suite 3000 Box 270, TD Centre Toronto, ON M5K 1N2</p> <p>Adam Slavens Tel: (416) 865-7333 Email: aslavens@torys.com</p> <p><i>Lawyers for Tarion Warranty Corporation</i></p>
AND TO:	<p>CHAITONS LLP 5000 Yonge St., 10th Floor Toronto, ON M2N 7E9</p> <p>George Benchetrit Tel: (416) 218-1141 Fax: (416) 218-1841 Email: George@chaitons.com</p> <p><i>Lawyers for Home Trust Company</i></p>
AND TO:	<p>KOSKIE MINSKY LLP 20 Queen Street West Suite 900, Box 52 Toronto, ON M5H 3R3</p> <p>James Harnum Tel: (416) 542-6285 Fax: (416) 204-2819 Email: jharnum@kmlaw.ca</p> <p><i>Representative Counsel for the Birchmount Purchasers</i></p>
AND TO:	<p>YI ZHOU LAW FIRM 100 Cowdray Court, Suite 209 Toronto, ON M1S 5C8</p> <p>Yi Zhou Tel: (416) 916-2068 Email: yizhoulawoffice@yahoo.ca</p>

Court File No. 31-2610052
Estate Fil No. 31-2610052

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE
OF ONTARIO**

INDEX

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1	Affidavit of Jessica Wuthmann sworn March 2, 2020
A	Exhibit A – Mr. Wang’s Certificate of Filing and Statement of Affairs
B	Exhibit B – Proposal Trustee’s First Report
C	Exhibit C – Letter from Alan Tregobov
D	Exhibit D – Letter from Yuk Yin Ho Leung and Ping Sang Stephen Leung
E	Exhibit E – Letter from Hasson Pereira of Sans Souci Mortgage Service
F	Exhibit F – Letters from Yi Zhou
G	Exhibit G – Page 12 of KSV’s Twelfth Report in its capacity as CCAA Monitor of Forme Development Group Inc. and other listed companies
H	Exhibit H – Justice Hainey’s Order dated February 20, 2020

Court File No. 31-2610052
Estate File No. 31-2610052

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

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE
OF ONTARIO**

**AFFIDAVIT OF JESSICA WUTHMANN
(SWORN MARCH 2, 2020)**

I, **JESSICA WUTHMANN**, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am an Associate with the law firm of Blaney McMurtry LLP ("**Blaneys**"), who is counsel for Yuan Hua (Mike) Wang ("**Mr. Wang**") in the within proceeding under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the "**NOI Proceeding**"), and, as such, I have knowledge of the matters to which I hereinafter depose.
2. Where I do not have direct knowledge or my knowledge is based on information and belief, I have stated the source.
3. On January 28, 2020, Mr. Wang filed the Notice of Intention to Make a Proposal ("**NOI**") in the within NOI Proceeding. Grant Thornton Limited ("**Grant Thornton**") is Mr. Wang's Licensed Insolvency Trustee ("**Proposal Trustee**"). A copy of the filing certificate and Statement of Affairs is attached hereto as **Exhibit "A"**.

4. On or about February 18, 2020, The Proposal Trustee served its First Report. Attached hereto and marked as **Exhibit “B”** is a copy of the Proposal Trustee’s First Report, which supported the continuation of the NOI Proceeding to April 10, 2020.

5. Chris Besant has provided Blaneys with letters from various possible creditors in the NOI Proceeding. Attached hereto are copies of the following letters:

No.	Creditor Name	Project	Amount of the Claims	Letter is Attached as Exhibit
1	Alan Tregebov	Various Forme Properties	\$647,556.15	“C”
2	Yuk Yin Ho Leung	3310 Kingston		“D”
3	Ping Sang Stephen Leung	3310 Kingston		“D”
4	Hasson Pereira (Sans Souci Mortgage Service)	250 Danforth and 3310 Kingston	\$8,300,000.00 and \$4,640,356.00	“E”
5	Yi Zhou (Bare Trustee)	250 Danforth and 3310 Kingston	\$1,601,400.00 and \$2,344,391.51	“F”

6. According to KSV’s Twelfth Report in its capacity as CCAA Monitor of Forme Development Group Inc. and other listed companies, KSV continues “to advance the Claims Procedure” in that proceeding. Attached hereto and marked as **Exhibit “G”** is a copy of page 12 of KSV’s Twelfth Report.


7. On February 20, 2020, Justice Hailey granted an Order in the CCAA proceeding for Forme Development stating that the Claims Procedure in that proceeding will continue and that any proven Wang Claims will constitute proven claims in the proceedings related to the NOI

Proceeding and any future bankruptcy of Mr. Wang. Attached hereto and marked as **Exhibit "H"** is a copy of Justice Hainey's Order dated February 20, 2020.


8. I make this affidavit in response to Ferina's Motion returnable March 31, 2020 and for no other or improper purpose.

SWORN BEFORE ME
at the City of Toronto,
in the Province of Ontario,
on March 2, 2020.

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)



A Commissioner for Taking Affidavits
Alex Fernet Brach



JESSICA WUTHMANN

This is Exhibit "A" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits

Alex Fernet Bracke



Industry Canada
Office of the Superintendent
of Bankruptcy Canada

Industrie Canada
Bureau du surintendant
des faillites Canada

District of Ontario
Division No. 09 - Toronto
Court No. 31-2610052
Estate No. 31-2610052

In the Matter of the Notice of Intention to make a
proposal of:

Yuan Hua (Mike) Wang
Insolvent Person

GRANT THORNTON LIMITED
Licensed Insolvency Trustee

Date of the Notice of Intention: January 27, 2020

CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL
Subsection 50.4 (1)

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the *Bankruptcy and Insolvency Act*.

Pursuant to subsection 69(1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

Date: January 28, 2020, 10:33

E-File/Dépôt Electronique

Official Receiver

151 Yonge Street, 4th Floor, Toronto, Ontario, Canada, M5C2W7, (877)376-9902

Canada

District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

-- FORM 79 --

Statement of Affairs (Proposal made by an individual)
 (Subsection 49(2) and 158(d) of the Act / Subsections 50(2) and 62(1) and Paragraph 66.13(2)(d) of the Act)

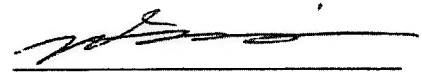
Original Amended

In the matter of the proposal of
 Yuan Hua (Mike) Wang
 of the City of Markham, in the Province of Ontario

ASSETS						
Type of assets	Description (Provide details)	Estimated Dollar Value	Exempt Property		Secured Amount/ Liens	Estimated net realizable dollar value
			Yes	No		
1. Cash on Hand	Cash	10,000.00		x	0.00	10,000.00
2. Furniture		200.00		x	0.00	200.00
3. Personal Effects	Other	500.00	x		0.00	0.00
4. Policies & RRSPs						
5. Securities						
6. Real Property or Immovable	House					
	Cottage					
	Land					
7. Motor Vehicles	Automobile	Volvo XC90	6,400.00	x	0.00	6,400.00
	Motorcycle					
	Snowmobile					
	Other					
8. Recreational Equipment						
9. Taxes						
10. Other	Other	Business - 100% ownership in Forme Development Group	1.00	x	0.00	1.00
TOTAL			17,101.00		0.00	16,601.00

24-Jan-2020

Date


 Yuan Hua (Mike) Wang
 Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 -- Continued

LIABILITIES						
Liabilities type code (LTC): 1 Real Property or Immovable Mortgage or Hypothec 2 Bank Loans (except real property mortgage) 3 Finance Company Loans 4 Credit Cards Bank/Trust Companies Issuers 5 Credit Cards Other Issuers 6 Taxes Federal/Provincial/Municipal 7 Student Loans 8 Loans from Individuals 9 Other						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
10226190 Canada Ltd.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		1.00	0.00	0.00	
2348793 Ontario Ltd	c/o Unger Law Attn: Andrew Unger and Eli Steinberg 1206 Centre St. Suite 204 Vaughan ON L4J 3M9		1.00	0.00	0.00	
2557725 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2557725 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2586614 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2592898 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2603616 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2611622 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2611809 Ontario Inc.	c.o Schneider Ruggiero LLP attn: George N. Ruggiero 120 Adelaide Street West, Suite 1000 Toronto ON M5H 3V1		0.00	0.00	0.00	
2612316 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	

24-Jan-2020

Date


 Yuan Hua (Mike) Wang
 Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 -- Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
2620094 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2627235 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2638796 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
2646429 Ontario Inc.	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
348 Mortgage	20 Adelaide St E Toronto ON M5C 2T6		0.00	0.00	0.00	1
348 Mortgage Investments Ltd.	c/o David Byon Law Office 500-1 West Pearce St. Richmond Hill ON L4B 3K3		0.00	0.00	0.00	
739572 Ontario Limited	c/o M. Lloyd Rubinoff, Barrister and Solicitor 300 John Street, Suite 402 Thornhill ON L3T 7R6		0.00	0.00	0.00	
A.C. Concrete Forming Ltd.	c/o Hill Hunter Losell Law Firm LLP 17360 Yonge St. Suite 200 Newmarket ON L3Y 7R6		0.00	0.00	0.00	
AJ Tregbov, Archited	Unit# 303 40 St. Clair Avenue East Toronto ON M4T 1M9		1.00	0.00	0.00	
Antonio Finelli, Donato Finelli and Fausto Finelli	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
Canada Revenue Agency	1050 Notre Dame Avenue Sudbury ON P3A 5C1		1.00	0.00	0.00	
Capital One	161 Baay St., Suite 1800 Toronto ON M5J 2S1		1,672.54	0.00	0.00	4
CIBC Line of Credit	Commer Court West 56 Toronto ON M5L 1A2		1,775.74	0.00	0.00	4

24-Jan-2020

Date



Yuan Hua (Mike) Wang
Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 -- Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
Dingping Cheng	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
DX Financial Ltd.	c/o Unger Law Attn: Andrew Unger and Eli Steinberg 1206 Centre St. Suite 204 Vaughan ON L4J 3M9		0.00	0.00	0.00	
Ferina Construction Limited	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
First Source Mortgage Corporation - Danforth	c/o Paliare Roland Rosenberg Rothstein LLP, Attn: Jeff Larry and Max Sarnino) 155 Wellington Street West, 35th Floor Toronto ON M5V 3H1		0.00	0.00	0.00	
First Source Mortgage Corporation - Kingston	c/o Paliare Roland Rosenberg Rothstein LLP, Attn: Jeff Larry and Max Sarnino) 155 Wellington Street West, 35th Floor Toronto ON M5V 3H1		0.00	0.00	0.00	
Foremost Mortgage Holding Corporation	c/o Harvey Mandel 55 Queen Street East, Suite 203 Toronto ON M5C 1R6		1.00	0.00	0.00	
Home Trust Company	c/o Chaitons LLP, Attn: G. Benchitrit 5000 Yonge St., 10th Floor Toronto ON M2N 7E9		0.00	0.00	0.00	
HOME TRUST CORPORATION	145 KING STREET WEST SUITE 1910 Toronto ON M5H 1J8		0.00	0.00	0.00	1
HOME TRUST CORPORATION	145 KING STREET WEST SUITE 1910 Toronto ON M5H 1J8		0.00	0.00	0.00	1
Hongbing Xie	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	

24-Jan-2020

Date


 Yuan Hua (Mike) Wang
 Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 -- Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
JYR Real Capital Mortgage Investment Corporation	c/o Unger Law Attn: Andrew Unger and Eli Steinberg 1206 Centre St. Suite 204 Vaughan ON L4J 3M9		0.00	0.00	0.00	
Linghong Kong	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
Lora and Steve Papaikononou	86 Carisbrooke Circle Aurora ON L4G 0K4		0.00	0.00	0.00	
Qing Ying Wu	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
RBC - Avion Visa Infinite	180 Wellington St. West Toronto ON M5J 1J1		87,001.12	0.00	0.00	4
RBC Homeline Plan Credit Line	180 Wellington St. W Toronto ON M5J 1J1		0.00	0.00	0.00	2
RBC Mortgage Loan Conventional	180 Wellington St. W. Toronto ON M5J 1J1		0.00	0.00	0.00	1
RBC Visa Business	180 Wellington St. W Toronto ON M5J 1J1		34,875.74	0.00	0.00	4
Royal Bank of Canada	200 Bay St Toronto ON M5J 2J5		0.00	0.00	0.00	
Shepherd Estate Partnership	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
Tarion Warranty Corporation	Attn: Bonnie Douglas 5160 Yonge Street, 12th Floor Toronto ON M2N 6L9		1.00	0.00	0.00	
TD Aeroplan Visa Platinum	66 Wellington St. W Toronto ON M5K 1A1		4,833.86	0.00	0.00	4
Vector Financial Services Limited	c/o Gowling WLG (CANADA) LLP, Attn: David Cohen and Cliff Prophet 1 First Canadian Place, 100 King Street West, Suite 1600 Toronto ON M5X 1G5		0.00	0.00	0.00	

24-Jan-2020

Date


 Yuan Hua (Mike) Wang
 Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 -- Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
Weiguo Dai	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
Wenguang Liu and Yan Yan	Robins Appleby, Attn: Dom Michaud and Jonathan Preece 120 Adelaide Street West Toronto ON M5H 1T1		0.00	0.00	0.00	
Weston Consulting Group Inc.	201 Millway Ave, Suite19 Vaughan ON L4K 5K8		1.00	0.00	0.00	
Xin Cai	c/o Rosen Fromstein LLP, Attn: Scott Rosen 1 St. Clair Avenue West, Suite 1101 Toronto ON M4V 1K6		0.00	0.00	0.00	
Yi Zhou	209 - 100 Cowdray Court Toronto ON M1S 5C8		0.00	0.00	0.00	
Yuce Baykara, Bare Trustee	153 Bridgeland Avenue, Unit 18 Toronto ON M6A 2Y6		0.00	0.00	0.00	
	TOTAL	Unsecured	130,166.00			
	TOTAL	Secured		0.00		
	TOTAL	Preferred			0.00	
				TOTAL	130,166.00	

24-Jan-2020

Date



Yuan Hua (Mike) Wang
Debtor


District of Ontario
 Division No. 09 - Toronto
 Court No.
 Estate No.

FORM 79 – Continued

INFORMATION RELATING TO THE AFFAIRS OF THE DEBTOR			
A. PERSONAL DATA			
1. Family name: Wang	Given names: Yuan Hua (Mike) Gender: Male	Date of birth: YYYY / MM / DD 1964/04/09	
2. Also known as:			
3. Complete address, including postal code: 206-7100 Woodbine Ave Markham ON L3R 5J2			
4. Marital status: (Specify month and year of event if it occurred in the last five years)		Married	
5. Full name of spouse or common-law partner: Hua Qin Zhang			
6. Name of present employer:		Occupation: Real Estate Developer (Self Employed)	
7A. Number of persons in household family unit, including debtor:		4	
7B. Number of persons 17 years of age or less:		0	
8. Have you operated a business within the last five years?		Yes	
Business Name	Business Type	From	To
Forme Development Group of Companies	Real Estate	07-Jul-2014	
B. WITHIN THE 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
9A. Sold or disposed of any of your property?		No	
9B. Made payments in excess of the regular payments to creditors?		No	
9C. Had any property seized by a creditor?		No	
C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
10A. Sold or disposed of any property?		No	
10B. Made any gifts to relatives or others in excess of \$500?		No	
D. BUDGET INFORMATION: Attach Form 65 to this Form.			
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?		No	
11B. Have you ever been bankrupt before in Canada?		No	
12. Do you expect to receive any sums of money which are not related to your normal income, or any other property within the next 12 months? No			
13. If you answered Yes to any of questions 9, 10 and 12, provide details:			
14. Give reasons for your financial difficulties: Business failure			

24-Jan-2020

Date

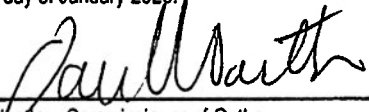

 Yuan Hua (Mike) Wang
 Debtor

District of Ontario
Division No. 09 - Toronto
Court No.
Estate No.

FORM 79 -- Concluded

I, Yuan Hua (Mike) Wang of the City of Markham in the Province of Ontario, do swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the 24th day of January 2020, and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the Bankruptcy and Insolvency Act.

SWORN (or SOLEMNLY DECLARED)
before me at the City of Toronto in the Province of Ontario, on
this 24th day of January 2020.



Daniel Wootton, Commissioner of Oaths
For the Province of Ontario
Expires

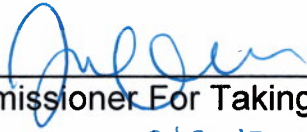
**Daniel Kenneth Wootton, a Commissioner, etc.
Province of Ontario
for Grant Thornton Limited
Expires April 06, 2022**

24-Jan-2020

Date

Yuan Hua (Mike) Wang
Debtor

This is Exhibit "B" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits

Alex Fernet Brochu

Estate No. 31-2610052

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

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG**

First Report of the Proposal Trustee

FEBRUARY 19, 2020



Grant Thornton Limited
200 King Street, 11th Floor
Toronto, Ontario
M5H 3T4

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DEBTOR'S REQUEST FOR AN EXTENSION 5
RECOMMENDATION 7

Estate No. 31-2610052

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

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
YUAN HUA (MIKE) WANG**

First Report of Trustee

FEBRUARY 18, 2020

INTRODUCTION

1. This report (the “**First Report**”) is filed by Grant Thornton Limited (“**GTL**”) in its capacity as proposal trustee (in such capacity, the “**Trustee**”) in connection with the Notice of Intention to Make a Proposal (“**NOI**” or the “**Proceeding**”) filed on January 27, 2020 (the “**Filing Date**”) by Mr. Yuan Hua (Mike) Wang (the “**Debtor**”).
2. The Debtor is the sole director and principal of Forme Development Group which is comprised of 30 companies in the business of real estate development for residential low-rise and high-rise condominiums, townhouses, custom freehold homes and commercial properties in Canada.
3. Prior to the Proceeding, Forme Development Group experienced financial difficulties and liquidity issues and were unable to remain current with their mortgage payments; a number of such mortgages were personally guaranteed by the Debtor. Accordingly, certain companies¹ in the Forme Group (the “**Applicant**”

¹ Forme Development Group Inc., 3310 Kingston Development Inc., 1296 Kennedy Development Inc., 1326 Wilson Development Inc., 376 Derry Development Inc., 9500 Dufferin Development Inc., 4439 John Development Inc., 5507 River Development Inc. and 2358825 Ontario Ltd.

Companies") filed for creditor protection under the *Companies' Creditors Arrangement Act* (the "**CCAA**").

4. On November 30, 2018, an Initial Order was granted by Mr. Justice Hailey of the Ontario Superior Court of Justice, Commercial List (the "**Initial Order**"), pursuant to which KSV Kofman Inc. was appointed as the monitor of the Applicant Companies in the CCAA proceedings (the "**Monitor**").
5. Within the CCAA proceedings, the real property assets of all of the Applicant Companies have been sold. The proceeds from the sales are insufficient to repay the indebtedness owing to the secured creditors/mortgagees of the respective Applicant Companies which subsequently resulted in exposure to the personal guarantees provided by the Debtor.
6. On January 28, 2020, a group of four entities² that do not form part of the Applicant Companies filed assignments into bankruptcy and GTL was appointed Trustee in Bankruptcy of the bankrupt estates.
7. The bankrupt estates owned real estate projects which were sold prior to each of the assignments into bankruptcy. All registered mortgagees on title to the properties have been fully repaid and the registrations were subsequently discharged. The surplus funds from these sales are currently held by Cassels Brock & Blackwell LLP in trust.

PURPOSE OF THIS FIRST REPORT

8. The purpose of this First Report is to provide the Court with further information related to the relief sought by the Debtor. This First Report specifically provides:
 - a) A discussion of the Debtor's request for an extension of the stay of proceedings to April 10, 2020.

² 19 Turff Development Inc., 22 Old Kennedy Development Inc., 35 Thelma Development Inc., and 4550 Steeles Development Inc.

RESTRICTIONS AND TERMS OF REFERENCE

9. In preparing this First Report, the Trustee has relied upon unaudited financial information, the Debtor's financial information and projections, and discussions with the Debtor. While the Trustee reviewed the information provided by the Debtor, such work does not constitute an audit or verification of such information for accuracy, completeness or compliance with Generally Accepted Accounting Principles ("GAAP") or International Financial Reporting Standards ("IFRS"). Accordingly, the Trustee expresses no opinion or other form of assurance pursuant to GAAP or IFRS with respect to such information.
10. In the course of its mandate, the Trustee has assumed the integrity and truthfulness of the information and explanations presented to it by the Debtor. To date, nothing has come to the attention of the Trustee that would cause it to question the reasonableness of these assumptions. The Trustee has requested that the Debtor bring to its attention any significant matters which were not addressed in the course of the Trustee's specific inquiries. Accordingly, this First Report is based solely on the information (financial or otherwise) made available to the Trustee by the Debtor.
11. This First Report has been prepared for the use of this Court and the Debtor's creditors as general information relating to the Debtor. Accordingly, the reader is cautioned that this First Report may not be appropriate for any other purpose. The Trustee will not assume responsibility or liability for losses incurred by the reader as a result of the circulation, publication, reproduction or use of this First Report contrary to the provisions of this paragraph.
12. All references to dollars are in Canadian currency unless otherwise noted.

FINANCIAL POSITION AND CONTEMPLATED PROPOSAL

13. Forme Development Group encountered financial difficulties and a liquidity crisis; the Applicant Companies began to default on mortgage payments prior to the CCAA proceedings. During the CCAA proceedings, the Monitor sold all the assets

of the Applicant Companies and the creditors suffered shortfalls to which the Debtor is now liable for such shortfalls where a personal guarantee exists.

OVERVIEW OF THE PROPOSAL TRUSTEE'S ACTIVITIES

14. Prior to and since the commencement of the NOI, the Trustee has performed the following activities:
 - a) Corresponded and held discussions with the Debtor and management of Forme Development Group in relation to their financial position, restructuring options and financial forecasting.
 - b) Corresponded with the Monitor of the Applicant Companies regarding the proceedings.
 - c) Filed the necessary prescribed forms required under the BIA for the NOI.
 - d) Assisted the Debtor in preparing the Cash Flow projections.
 - e) Responded to creditor enquiries.
 - f) Commenced the preparation of the proposal documents to be filed at the time of the proposal.

DEBTOR'S REQUEST FOR AN EXTENSION

15. As of the date of this First Report, the initial cashflow pursuant to the BIA has been filed, which includes the requested extension period. Based on the NOI filing date of January 27, 2020, the Debtor is required to file a Proposal, effectively, by February 26, 2020. The Debtor is seeking an extension of the time to file a Proposal to April 10, 2020.
16. The Trustee has reviewed the cash flow projection and understands that the Debtor will not be incurring further debt with any third parties as he relies on family support to cover his day to day living expenses.

17. The Trustee supports the Debtor's request for the following reasons:
- (a) The Proposal proceedings are intended to create a forum whereby the Debtor can work closely with his business related creditors, work through all outstanding tax matters with respect to all Applicant Companies, and all non-applicant companies (essentially all entities within the Forme Development Group), to maximize the recovery to such creditors prior to any surplus proceeds being paid to the Debtor directly. Such strategy would presumably increase the recovery to creditors compared to the alternative bankruptcy proceedings;
 - (b) In the opinion of the Trustee, the Debtor has complied with the requirements of the BIA;
 - (c) The Debtor is acting in good faith and with due diligence;
 - (d) The extension will increase the likelihood of a successful Proposal as remaining assets are sold and where time is required to complete outstanding tax returns; and,
 - (e) No creditor would be materially prejudiced if the extension being applied for is granted.
18. The Trustee is aware of motion material being filed by the certain of the Debtor's business related creditors seeking to terminate the Debtor's Proposal proceedings, resulting in the Debtor becoming bankrupt. At the time this Report was prepared, the Trustee had not received the motion records of these creditors and cannot comment on the position being taken by these creditors.

RECOMMENDATION

19. Based on the above, and subject to the outcome of the motions made by certain of the Debtor's business related creditors, the Trustee respectfully recommends the Court grant the relief sought by the Debtor.

All of which is respectfully submitted,

GRANT THORNTON LIMITED

In its capacity as Proposal Trustee and not in its personal or corporate capacity.

Per.



D. Wootton, CIRP, LIT
Senior Vice President

This is Exhibit "C" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits
Alex Fernet Brahu

TREGEBOV COGAN ARCHITECTURE

40 St. Clair Avenue East, Suite 303

Toronto, ON M4T 1M9

T: +1 (647)-352-3350

office@tcarchitecture.ca

ajt@tcarchitecture.ca

February 19, 2020

To Whom It May Concern**Re: Alan Tregebov In Support of Forme Group Motion**

Dear Sir/Madam,

I am writing in support of the Forme Non-Applicant Companies (NACs) motion.

Please be advised I am a creditor of certain of the Forme Development Group of Companies (Forme Group), which has a filed a Proof of Claim against Mr. Wang in the claims process for an amount of \$647,556.15.

I am the Principal of Tregebov Cogan Architecture and I was an architectural consultant for a number of projects for the the Forme Group. I have worked with Mr. Wang for many years and I understand that certain Companies of the Forme Group were sold in the CCAA sales process that was run by KSV Kofman and TD Cornerstone Realty. Based on my understanding from the public court materials, the sales of those companies have under realized. I have worked with Mr. Wang for many years on a majority of his projects and understood the development potential and value of the properties.

I also understand that Mr. Wang and the Forme Group have sold certain Forme Non Applicant Companies (NACs) which have resulted in greater realization than the properties sold in the CCAA sales process that was run by KSV Kofman and TD Cornerstone Realty. I also understand that 186 Old Kennedy Road referred to as the "Crown Jewel Projects" continue to undergo the NACs sales process. As the Architect of record of the 186 Old Kennedy Road project, I know that Mr. Wang and the Forme Group will achieve highest realization that will benefit all of the creditors in this broken CCAA process.

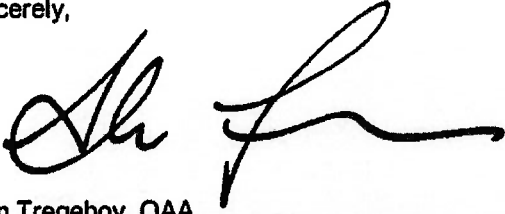
I am in great support for the Forme Non Applicant Companies (NACs) in their motion to (i) end the CCAA and convert the inactive CCAA and NAC companies of the Forme Development Group to bankruptcy; (ii) have the Forme Group bankruptcy and related professionals funded from the NAC cash surplus and (iii) to evaluate the realizability of its tax assets and the costs and underperformance of the CCAA process.

I do not support the annulment of any Forme Group bankruptcies. I support the continuance of Grant Thornton as bankruptcy of the NACs and of Mike Wang's proposal and they further support Grant Thornton's appointment to fulfill any other such roles for the NACs.

I believe that the approach of the Forme NAC companies and Mike Wang to maximizing stakeholder value will achieve more value and lower cost which is to the benefit of all creditors, than having KSV and certain creditor exercise control over the next phase of the Forme Group restructuring and Mike Wang's proposal process.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Tregebov', written in a cursive style.

Alan Tregebov, OAA
TREGEBOV COGAN ARCHITECTURE

This is Exhibit "D" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



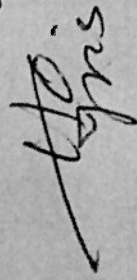
Commissioner For Taking Affidavits

Alex Fernet Brochu

I am the investor for 3rd Charge on
3310 Kingston Development Inc.
We do not support the Monitor's motion
or Ferina's motion.

We authorize Ferme NAC counsel to
so advise the court.

Yours truly,



Feb. 19, 2020

YUK YIN HO KEUNG

I am the investor for The 3rd Charge on

3310 Kingston Development Inc.

We do not support the Monitor's motion
or Ferina's motion.

We authorize Former NAC counsel to
so advise the court.

Yours truly,



Feb, 19, 2020

PING SANG STEPHEN LEUNG

February 23, 2020

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

Re: 3rd Charge on 186 Old Kennedy Road and 51 Victory Avenue, Markham in support of Forme Non-Applicant Company's Motion and Mr. Wang's personal counsel's motion.

Please be advised that I am an investor in a 3rd mortgage loan to 186 Old Kennedy Development Inc (the "186 OK"), one of the Non Applicant Companies in the Forme Development Group of Companies (Forme Group).

There are about 51 investors/lenders in the 3rd mortgage with a total amount of investment of \$5,101,141.07 plus accrued interest since August, 2018. The Lenders have filed a proof of claim in respect of same the CCAA Claims Process re 186 OK and Mike Wang.

The 186 OK project is still subject to realization and the Lenders support the continuing efforts of Mike Wang and Forme Group in that regard.

The Lenders also support the Forme Non Applicant Companies (NACs) in their motion to (i) end the CCAA and convert the inactive CCAA and NAC companies of the Forme Development Group to bankruptcy; (ii) have the Forme Group bankruptcy and related professionals funded from the NAC cash surplus and (iii) to evaluate the realizability of its tax assets and the costs and underperformance of the CCAA process.

I support the continuance of Grant Thornton as Mike Wang's proposal trustee, and further support Grant Thornton's appointment to fulfill any other such roles for the NACs.

I do not support Ferina's motion.

I authorize Forme Non-Applicant's counsel and Mr. Wang's personal counsel to advise the court.

Should our clients have deficiencies, they believe that the approach of the Forme NAC companies and Mike Wang to maximizing stakeholder value is preferable than having KSV and certain creditor exercise control over the next phase of the Forme Group restructuring and Mike Wang's proposal process.

Thank you for your kind attention to this matter.

Yours truly,

YUK YIN HO LEUNG

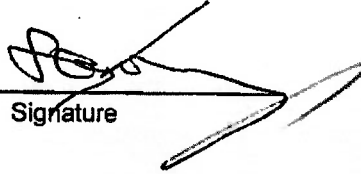
Name



Signature

PING SANG STEPHEN LEUNG

Name



Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature


Name

Signature

Name

Signature

This is Exhibit "E" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits
Alex Fernet Brahn

February 19, 2020

To Whom It May Concern

Dear Sir/Madam,

Re: Sans Souci Support of Forme Group Non-Applicants Motion

I am writing in support of the Forme Non-Applicant Companies (NACs) motion.

Please be advised I am the President of Sans Souci Mortgage Services Corp, the official Mortgage Broker that have Syndicated Mortgage Lenders on three (3) projects of the Forme Development Group of Companies (Forme Group), namely:

1. **250 Danforth Rd Development, with \$8,300,000.00 in Mortgages in Second position, comprising of 135 Lenders , Appraisal \$31.8 million, July 2018**
2. **7397 Islington Development with \$1,077,560.00 in Mortgages in Third position , comprising of 26 Lenders , Appraisal \$13.8 million, Oct 2017**
3. **3310 to 3314 Kingston Rd Development with \$4,640,356.00 in Mortgages in Third position, comprising of 99 Lenders, Appraisal \$14.5 million, Oct 2016.**

I understand that certain Companies of the Forme Group were sold in the CCAA sales process that was run by KSV Kofman and TD Cornerstone Realty. Based on my understanding from the public court materials, the sales of those projects were significantly under-realized. The offers obtained by KSV Kofman and TD Cornerstone Realty were absolutely ridiculous.

In and around the March 019, which is the bid date of the CCAA sales process, I contacted Mr. Kofman and told him that I am intimately aware of the properties above and I personally have received numerous offers over a period of time as mortgagee of these properties. The offers I have received greatly exceed the value generated by TD through its process.

Separately, around this time, I called a number of individuals that have made offers for the properties in the past 18 months. Those individuals returned my calls and confirmed that TD didn't contact them or include them in the sales process. I also understand that Mr. Wang and the Forme Group were excluded from this process.

I requested a list of individuals that TD contacted during their sales process, this was never provided. It was and it is still clear to me that the CCAA sales process was terribly mishandled.

I understand that Mr. Wang and the Forme Group brought in offers that saved KSV and TD. Without the help of Mr. Wang and the Forme Group, the results of the sale process carried by KSV and TD would be laughable.

I also understand that Mr. Wang and the Forme Group have now sold certain Forme Non Applicant Companies (NACs) which have resulted in greater realization than the properties sold in the CCAA sales process. I also understand that the Crown Jewel projects known as 186 Old Kennedy Road continue to undergo the NACs sales process. Seeing what has happened to 186 Old Kennedy Road project, I know that Mr. Wang and the Forme Group will achieve highest realization that will benefit all of the creditors in this broken CCAA process.

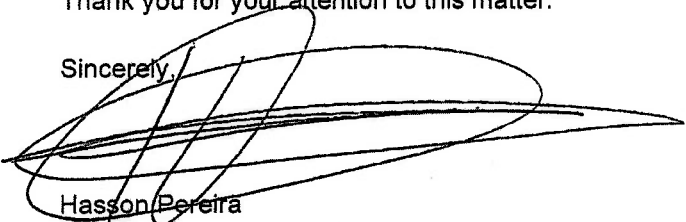
I am in great support for the Forme Non Applicant Companies (NACs) in their motion to (i) end the CCAA and convert the inactive CCAA and NAC companies of the Forme Development Group to bankruptcy; (ii) have the Forme Group bankruptcy and related professionals funded from the NAC cash surplus and (iii) to evaluate the realizability of its tax assets and the costs and underperformance of the CCAA process.

I do not support the annulment of any Forme Group bankruptcies. I support the continuance of Grant Thornton as bankruptcy of the NACs and of Mike Wang's proposal, and they further support Grant Thornton's appointment to fulfill any other such roles for the NACs.

I believe that the approach of the Forme NAC companies and Mike Wang to maximizing stakeholder value will achieve more value and lower cost which is to the benefit of all creditors, than having KSV and certain creditor exercise control over the next phase of the Forme Group restructuring and Mike Wang's proposal process.

Thank you for your attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Hasson Pereira', is written over the word 'Sincerely,'.

Hasson Pereira
Sans Souci Mortgage Services

This is Exhibit "F" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits

Alex Fernet Brochu

YI ZHOU, B.A., M.Ed., LL.B
BARRISTER & SOLICITOR

100 Cowdray Court, Suite 209, Toronto, Ontario, M1S 5C8
Tel: (416) 916-2068; Fax: (416) 292-4822; E-mail: yizhoulawfirm@yahoo.com

February 24, 2020

To Whom It May Concern

Dear Sir/Madam

Re: 3rd Charge on Time Development 250 Danforth Inc.

Please be advised that I am the bare trustee for the lenders in a 3rd mortgage loan to Time Development 250 Danforth Inc. (the "250 Danforth"), one of the Applicant Companies in the Forme Development Group of Companies (Forme Group).

There are about 35 investors/lenders in the 3rd mortgage with a total amount of investment of \$1,601,400.00 plus accrued interest since August, 2018. The Lenders have filed a proof of claim in respect of same the CCAA Claims Process re 1296 Kennedy and Mike Wang.

The Lenders support the continuing efforts of Mike Wang and Forme Group in their efforts to repay the loans to the Lenders.

The Lenders also support the Forme Non Applicant Companies (NACs) in their motion to (i) end the CCAA and convert the inactive CCAA and NAC companies of the Forme Development Group to bankruptcy; (ii) have the Forme Group bankruptcy and related professionals funded from the NAC cash surplus and (iii) to evaluate the realizability of its tax assets and the costs and underperformance of the CCAA process.

I support the continuance of Grant Thornton as Mike Wang's proposal trustee, and further support Grant Thornton's appointment to fulfill any other such roles for the NACs.

I do not support Ferina's motion.

I authorize Forme Non-Applicant's counsel and Mr. Wang's personal counsel to advise the court.

Should our clients have deficiencies, they believe that the approach of the Forme NAC companies and Mike Wang to maximizing stakeholder value is preferable than having KSV and certain creditor exercise control over the next phase of the Forme Group restructuring and Mike Wang's proposal process.

Thank you for your kind attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to be 'Yi Zhou', written in a cursive style.

Yi Zhou

YI ZHOU, B.A., M.Ed., LL.B
BARRISTER & SOLICITOR

100 Cowdray Court, Suite 209, Toronto, Ontario, M1S 5C8
Tel: (416) 916-2068; Fax: (416) 292-4822; E-mail: yizhoulawfirm@yahoo.com

February 24, 2020

To Whom It May Concern

Dear Sir/Madam

Re: 3rd Charge on 3310 Kingston Development Inc.

Please be advised that I am the bare trustee for the lenders in a 3rd mortgage loan to 3310 Kingston Development Inc. (the "3310 Kingston"), one of the Applicant Companies in the Forme Development Group of Companies (Forme Group).

There are about 18 investors/lenders in the 3rd mortgage with a total amount of investment of \$2,344,391.51 plus accrued interest since August, 2018. The Lenders have filed a proof of claim in respect of same the CCAA Claims Process re 3310 Kingston and Mike Wang.

The Lenders support the continuing efforts of Mike Wang and Forme Group in their efforts to repay the loans to the Lenders.

The Lenders also support the Forme Non Applicant Companies (NACs) in their motion to (i) end the CCAA and convert the inactive CCAA and NAC companies of the Forme Development Group to bankruptcy; (ii) have the Forme Group bankruptcy and related professionals funded from the NAC cash surplus and (iii) to evaluate the realizability of its tax assets and the costs and underperformance of the CCAA process.

I support the continuance of Grant Thornton as Mike Wang's proposal trustee, and further support Grant Thornton's appointment to fulfill any other such roles for the NACs.

I do not support Ferina's motion.

I authorize Forme Non-Applicant's counsel and Mr. Wang's personal counsel to advise the court.

Should our clients have deficiencies, they believe that the approach of the Forme NAC companies and Mike Wang to maximizing stakeholder value is preferable than having KSV and certain creditor exercise control over the next phase of the Forme Group restructuring and Mike Wang's proposal process.

Thank you for your kind attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to be 'Yi Zhou', written in a cursive style with a horizontal line underneath.

Yi Zhou

This is Exhibit "G" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits

ALEX FERNET BROCHU



**Twelfth Report of
KSV Kofman Inc.
as CCAA Monitor of
Forme Development Group Inc.
and the Companies Listed on
Appendix "A"**

February 12, 2020

and

**Eighth Report of
KSV Kofman Inc.
as Proposal Trustee of
58 Old Kennedy Development Inc.,
76 Old Kennedy Development Inc. and
82 Old Kennedy Development Inc.**

5.0 Wang NOI Proceedings

1. As noted above, the Initial Order provided a stay of proceedings against Mr. Wang personally for guarantee and other claims related to the Applicants' obligations.
2. Claims have been filed against Mr. Wang in the Claims Procedure largely in respect of his personal guarantee obligations. Mr. Wang did not oppose the Claims Procedure Order.
3. The claims bar date in the Claims Procedure was January 10, 2020⁶ (the "Claims Bar Date"). On or prior to the Claims Bar Date, 23 Wang Claims were filed. In accordance with the Claims Procedure Order, the Monitor provided copies of each Wang Claim to Mr. Wang. The Claims Procedure Order provided Mr. Wang with 15 days following the Claims Bar Date to complete his review of the Wang Claims.
4. On January 27, 2020, Mr. Wang sent an email to the Monitor which, *inter alia*, advised that all Wang Claims should be disallowed. Copies of Mr. Wang's email dated January 27, 2020 and the Monitor's response are attached as Appendix "J".
5. The Monitor is continuing to advance the Claims Procedure, including for Wang Claims. Given Mr. Wang's position in his January 27th email, many Wang Claims will likely need to be referred to a Claims Officer or the Court for determination.
6. The BIA does not contemplate annulling an NOI. However, the Monitor believes it is appropriate for the Claims Procedure to continue as it relates to the Wang Claims and for Wang Claims to be admitted as proven claims in the Wang NOI Proceedings, once proven. In the Monitor's view, the alternative would result in material prejudice to creditors, who should not have to file claims in another proceeding and/or have their claims determined in more than one insolvency proceeding.
7. Based on the foregoing, the Monitor recommends that this Court issue an order establishing that the Wang Claims be admitted as proven claims in the Wang NOI Proceedings once determined in accordance with the Claims Procedure Order.

6.0 Kennedy Property

1. The Kennedy Property is municipally known as 1296 Kennedy Road and comprises 1.02 acres. The Kennedy Property was acquired by the Kennedy Applicant in June 2015 for \$2.74 million. The Kennedy Applicant intended to develop 68 stacked townhomes and four commercial units with direct frontage on Kennedy Road. The proposed plan and rezoning of the site remain subject to municipal approval.
2. A summary of the principal amount of the mortgages on the Kennedy Property is provided in the table below⁷. The mortgages continue to accrue interest and costs.

Mortgagee	Priority	Amount (\$000s)
First Source Financial Management Inc. ("First Source")	First	6,000
Yi Zhou, on behalf of certain private investors	Second	1,200
Total Mortgage Debt, before interest and costs		7,200

⁶ The Claims Bar Date was extended from November 25, 2019 to January 10, 2020 pursuant to a Court order made on November 21, 2019.

⁷ The priority of the mortgages in the table is based on the order in which the charges were registered on title, subject to the postponements registered on title. The Monitor is not aware of anything further that would impact that priority, but the Monitor's counsel has not provided an opinion thereon.

This is Exhibit "H" referred to in the Affidavit
of **Jessica Wuthmann** sworn before me,
this 2nd day of **March, 2020**



Commissioner For Taking Affidavits
Alex Fernet Brahm

Court File No. CV-18-608313-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.)	THURSDAY, THE 20 th DAY
)	
JUSTICE HAINEY)	OF FEBRUARY 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

ANCILLARY 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 ("**CCAA**") was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Twelfth Report of the Monitor and the Eighth Report of the Proposal Trustee dated February 12, 2020 (the "**Report**"), together with the appendices thereto and such other materials as were filed by the parties, and on hearing the submissions of counsel for the Monitor and such other counsel as were present, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Aiden Nelms sworn February 13, 2020, filed,

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 May 31, 2020.

SEALING

3. **THIS COURT ORDERS** that the Confidential Appendices to the Report shall be sealed and kept confidential pending further Order of this Court.

ANCILLARY RELIEF

4. **THIS COURT ORDERS** that, notwithstanding (i) the Undertaking (as defined in the Report) executed by the companies listed on Schedule "B" hereto (the "**Non-Applicants**") and Yuan Hua Wang ("**Mr. Wang**") dated March 11, 2019 and approved by this Court on March 18, 2019; and (ii) the *ex parte* Court Order dated January 31, 2020, amending the Undertaking; and (iii) any prior Order of this Court:

- (a) Gardiner Roberts LLP, or any other past, present or future counsel to the Non-Applicants, Mr. Wang or any other party, are precluded from being paid from the Surplus (as defined below) without further Order of the Court; and

- (b) the purchase price (including any deposits) in respect of the sale of any Non-Applicant real property (each a "**Non-Applicant Project**"), net only of any amounts owing to the mortgagee(s) of that Non-Applicant Project, will be delivered forthwith to Bennett Jones LLP ("**Bennett Jones**") to be held in trust for that Non-Applicant's remaining creditors and form part of the Surplus (as defined below).


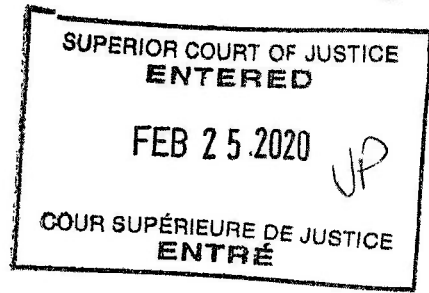
5. **THIS COURT ORDERS** that Cassels Brock & Blackwell LLP ("**CBB**") is hereby authorized and directed to transfer the surplus funds presently on deposit in CBB's trust account (the "**Surplus**"), to Bennett Jones without deduction, provided, however, that CBB may take from the Surplus the aggregate sum of \$29,958.13 (inclusive of disbursements and taxes) for payment of the remaining fees of CBB as permitted by the Undertaking and paragraph 3 of the Order of Justice Hainey dated January 31, 2020. Notwithstanding the payment of the fees of CBB as permitted herein, (a) the Monitor and other applicable stakeholders reserve the right to challenge the fees of CBB and (b) CBB reserves the right (i) to dispute the standing or ability of such parties to challenge its fees and (ii) to justify its fees.

6. **THIS COURT ORDERS** that the bankruptcy proceedings of the Bankrupt Non-Applicants (as defined in the Report) bearing Estate Numbers 31-2610122, 31- 2610116, 31-2610109 and 31-2610098 are hereby annulled.

7. **THIS COURT ORDERS AND DECLARES** that Grant Thornton Limited be and is hereby discharged in its capacity as the Trustee in Bankruptcy in the bankruptcy proceedings of the Bankrupt Non-Applicants bearing Estate Numbers 31-2610122, 31- 2610116, 31-2610109 and 31-2610098.

8. **THIS COURT ORDERS** that the Claims Procedure (as defined in the Report) will continue and that any proven Wang Claims (as defined, and upon being finally determined in the Claims Procedure Order in the within proceedings dated October 22, 2019) will constitute proven claims in the proceedings related to Mr. Wang's Notice of Intention to Make a Proposal filed on January 24, 2020 and in any future bankruptcy of Mr. Wang.

9. **THIS COURT ORDERS** that parties may make brief written cost submissions, to not exceed five (5) pages in length.

A handwritten signature in cursive script, appearing to read "Hainley J.", written over a horizontal line.A rectangular stamp with a double border. The text inside is arranged in four lines: "SUPERIOR COURT OF JUSTICE", "ENTERED", "FEB 25 2020" with a handwritten "JP" to the right, and "COUR SUPÉRIEURE DE JUSTICE", "ENTRÉ".

SUPERIOR COURT OF JUSTICE
ENTERED
FEB 25 2020 JP
COUR SUPÉRIEURE DE JUSTICE
ENTRÉ

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.

SCHEDULE "B"
THE NON-APPLICANTS

101 Columbia Development Inc.
186 Old Kennedy Development Inc.
19 Turff Development Inc.
22 Old Kennedy Development Inc.
31 Victory Development Inc.
35 Thelma Development Inc.
376 Derry Development Inc.
390 Derry Development Inc.
4 Don Hillock Development Inc.
4208 Kingston Development Inc.
4550 Steeles Development Inc.
7397 Islington Development Inc.
9500 Dufferin Development Inc.
68 Elm 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")

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

Proceeding commenced at Toronto

ANCILLARY ORDER

BENNETT JONES LLP
3400 First Canadian Place
P.O. Box 130
Toronto, Ontario M5X 1A4

Sean H. Zweig (LSO #573071)
Tel: (416) 777-6253
Fax: (416) 863-1716

Aiden Nelms (LSO#74170S)
Tel:(416) 777-4642
Fax: (416) 863-1716

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

IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE OF ONTARIO

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

Proceeding commenced at **TORONTO**

**RESPONDING MOTION RECORD OF YUAN HUA
(MIKE) WANG
(Returnable March 31, 2020)**

BLANEY MCMURTRY LLP
Barristers & Solicitors
2 Queen Street East, Suite 1500
Toronto ON M5C 3G5

David T. Ullmann (LSO #423571)
Tel: (416) 596-4289
Fax: (416) 594-2437
Email: Dullmann@blaney.com

Counsel for Yuan Hua (Mike) Wang

TAB 3

From: David T. Ullmann
Sent: Sunday, March 8, 2020 5:04:49 PM
To: 'Alexander Soutter'
Cc: D. J. Miller;'ZweigS@bennettjones.com';Jessica Wuthmann;Mike Wang;'Jessica Wang';Aimie Yang;John Polyzogopoulos
Bcc: Ariyana Botejue
Subject: Postponing Examination due to Medical Reasons
Attachments: Doctor Note_Redacted.pdf

Good Afternoon Alex,

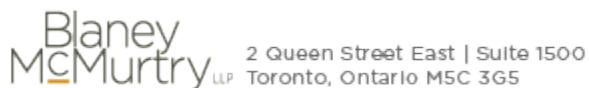
Further to our correspondence on Thursday, we have been provided with the enclosed note from Mr. Wang's physician (and the related prescriptions) following his medical examination on Friday. In the circumstances we understand that Mr. Wang will not be attending the examination in our proceeding tomorrow. We have not been able to contact him so far today. We will be canvassing with him tomorrow whether or not he believes he might be able to undertake the examination later this week or at a convenient time prior to March 31st. We acknowledge that the examination was pre-emptory and have previously advised Mr. Wang of that fact. We do not think that precludes Mr. Wang from not attending due to health reasons. We also point out that the March 9th date was agreed to prior to the court changing the date of the motion from March 23rd to March 31st. As such, there is some built in flexibility in our current timetable in any event.

We will report to you further tomorrow once we have spoken with Mr. Wang. We may also speak to his physician.

Although I expect I need not do so, I remind you that the enclosed, even redacted, constitutes confidential personal and health information about Mr. Wang and should not be distributed widely, or at all. Please do not do so. In any event, we are unaware of anyone intending to attend the examination other than yourself.

Regards,

David



David T. Ullmann
Partner

dullmann@blaney.com

☎ 416-596-4289 | ☎ 416-594-2437

🌐 Blaney.com



This communication is intended only for the party to whom it is addressed, and may contain information

TAB 4

Ariyana Botejue

From: David T. Ullmann
Sent: Thursday, March 19, 2020 9:37 PM
To: 'Alexander Soutter'
Cc: D. J. Miller; ZweigS@bennettjones.com; 'nelmsa@bennettjones.com'
Subject: RE: Motions returnable March 31, 2020 [IWOV-Client.FID121504]

Alex,

You seem to be missing the point that the matter is already adjourned. It is up to you to convince the court to schedule your motion now.

These are extraordinary times and the use of judicial resources is restricted to urgent matters, which this one is not (unless I need it to be in order to seek an extension). The court has set out that urgent matters must be ones in which there will be immediate and significant repercussions caused by the delay. That is not the case here with respect to your motion.

You do not have my consent to write directly to the Judge as you propose to do. The notice to the profession which you have provided indicates that if any party wishes to schedule an urgent matter they must now file materials to persuade the court that the matter is urgent. I will then have the opportunity to file responding materials in opposition should I choose to do so. You are seeking extraordinary relief, which is unjustified. If you persist in this matter I will have to take the usual step of seeking costs against your firm personally for violating the procedure put in place in this time of emergency and for wasting my time and the court's. Your proposed conduct is highly inappropriate and remains unnecessary.

Govern yourself accordingly.

Regards,

David

David T. Ullmann
 Partner

dullmann@blaney.com

📞 416-596-4289 | 📠 416-594-2437

From: Alexander Soutter [mailto:ASoutter@tgf.ca]
Sent: Thursday, March 19, 2020 7:11 PM
To: David T. Ullmann
Cc: D. J. Miller ; ZweigS@bennettjones.com; 'nelmsa@bennettjones.com'
Subject: RE: Motions returnable March 31, 2020 [IWOV-Client.FID121504]

Dear Mr. Ullmann,

Chief Justice Morawetz' March 15th Notice to the Profession specifically provides that "Parties must still comply with orders/rules requiring the service or delivery of documents as between parties." A link to that Notice is below.

<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>

When we write to the court for directions regarding the March 31, 2020 hearing we will include that you have advised that you intend to oppose the scheduling of the motion.

Yours truly,



Alexander Soutter | Direct Line: +1 416-304-0595 | Thornton Grout Finnigan LLP | www.tgf.ca
 PRIVILEGED & CONFIDENTIAL - This electronic transmission is subject to solicitor-client privilege and contains confidential information intended only for the person(s) named above. Any other distribution, use, or disclosure is strictly prohibited. If you have received this e-mail in error, please notify our office immediately by calling (416) 304-1616 and delete this e-mail without forwarding it or making a copy.

From: David T. Ullmann [mailto:DUllmann@blaney.com]
Sent: Thursday, March 19, 2020 6:21 PM
To: Alexander Soutter
Cc: D. J. Miller ; ZweigS@bennettjones.com; 'nelmsa@bennettjones.com'
Subject: RE: Motions returnable March 31, 2020 [IWOV-Client.FID121504]

Good Afternoon Alex,

I think your email is a little wrong-headed. The current motion date is adjourned sine die by the direction of the Chief Justice and the March 31 date is gone. See the note from the Commercial List below. As such, the schedule from Justice Hainey's endorsement is obviously vacated by the adjournment and we have been proceeding on that basis since Justice Morawetz's announcement of the court closure.

If there is an urgent matter, one has to apply to the Commercial List and ask them to schedule it. Since it is my motion that you suggest might be urgent, it falls to me ask to it to be scheduled. We are considering whether or not to do so. We also believe that the court may be inclined to simply grant another 30 day extension at this time without wasting judicial resources on this matter. This is being done in other matters.

We are seeking instructions as to how our client wants us to proceed. There is no urgency to the matter but for the possible expiry of the stay. We also suspect that there might be some guidance from the OSB granting blanket extensions of the deadlines under the Act for proposals.

We hope to have instructions by Monday on this matter. If you insist on writing to the court before then, we will respond and oppose.

Regards,

David

URGENT NOTICE:

All Estate/Commercial matters from Mar 17, 2020 are being adjourned sine die until further notice, and will be rescheduled after June 1, 2020 due to the COVID-19 pandemic and direction from Chief Justice Morawetz.

If your matter is urgent, you will need to email the Toronto.commercialist@jus.gov.on.ca with the following info:

- Style of Cause
- File number
- Reason for urgency
- Conference number and id (that the Judge may utilize).

Once we receive this info, we would forward it to the Team Lead Judge for approval/direction.

If he deems that matter is urgent and should proceed, the court will let you know of the date and time that matter will proceed via tele-conference.

You will then need to provide us with an electronic version of the materials (NOT EXCEEDING 10 MB).

Alsou Anissimova

Superior Court of Justice
 Commercial & Estates Trial coordinator
 330 University Ave 7th floor

Civil Trial office
Toronto, Ontario
M5G 1R7
Tel: (416) 327-5047
Fax: (416) 327-5697
Email: toronto.commercialist@jus.gov.on.ca

David T. Ullmann
Partner

dullmann@blaney.com

☎416-596-4289 | ☎416-594-2437

From: Alexander Soutter [<mailto:ASoutter@tgf.ca>]
Sent: Thursday, March 19, 2020 4:13 PM
To: David T. Ullmann <DULLmann@blaney.com>
Cc: D. J. Miller <DJMiller@tgf.ca>; ZweigS@bennettjones.com; 'nelmsa@bennettjones.com' <nelmsa@bennettjones.com>
Subject: Motions returnable March 31, 2020 [IWOV-Client.FID121504]

Dear Mr. Ullmann,

We did not receive a factum from you in the time provided by Justice Hainey's February 25th Endorsement.

Given that Mr. Wang will be deemed bankrupt if his motion does not proceed on March 31st, the motions scheduled to return on March 31st are urgent. We will be writing to the Commercial List office to confirm that the motions will proceed on March 31st via telephone or video conference.

Yours truly,



Alexander Soutter | ASoutter@tgf.ca | Direct Line: +1 416-304-0595 | Thornton Grout Finnigan LLP | Suite 3200, TD West Tower, 100 Wellington Street West, P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | www.tgf.ca

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IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF YUAN HUA (MIKE) WANG, OF THE CITY OF MARKHAM, IN THE PROVINCE OF ONTARIO

GRANT THORNTON LIMITED, in its capacity as Licensed Insolvency Trustee of Yuan Hua (Mike) Wang

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

Proceeding commenced at **TORONTO**

**BRIEF OF DOCUMENTS TO THE WRITTEN SUBMISSIONS OF
YUAN HUA (MIKE) WANG
(Opposing the Scheduling of an Urgent Motion during Covid-19
Crisis)**

BLANEY MCMURTRY LLP
Barristers & Solicitors
2 Queen Street East
Suite 1500
Toronto ON M5C 3G5

David T. Ullmann (LSO #42357D)
Tel: (416) 596-4289
Fax: (416) 594-2437
Email: dullmann@blaney.com

Counsel for Yuan Hua (Mike) Wang