



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-23-00706813-00CL

DATE: January 23, 2025

**TITLE OF PROCEEDING:**

**Genesis Mortgage Investment Corporation**

**vs**

**1776411 Ontario Ltd. / 1333 Weber Street Kitchener, LLP / ABA Architects Inc. / Conestoga Roofing & Sheet Metal Ltd. / Gillan Urban Constructors Inc. / Gillam Communities 1333 Weber Street Limited Partnership / Stubbe's Precast Inc. / Gold Star Drywall Services Inc. / Westmount Guarantee Services Inc. / Corfinancial Corp / CMLS Financial Ltd. / Enercare Home and Commercial Services Limited Partnership / Troy Life & Fire Safety Ltd.**

**BEFORE: Justice J. Dietrich**

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

<b>Name of Person Appearing</b> (and how they wish to be addressed, e.g. pronouns and/or prefix; also, if they wish, the phonetic pronunciation of their name)	<b>Name of Party</b>	<b>Phone Number</b>	<b>Email Address</b>
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**For Defendant, Responding Party, Defence:**

<b>Name of Person Appearing</b> (and how they wish to be addressed, e.g. pronouns and/or prefix; also, if they wish, the phonetic pronunciation of their name)	<b>Name of Party</b>	<b>Phone Number</b>	<b>Email Address</b>
Denise Bambrough	Aviva		dbambrough@blg.com
Eric Golden (Receiver)	KSV		egolden@blaney.com

**For Other:**

<b>Name of Person Appearing</b> (and how they wish to be addressed, e.g. pronouns and/or prefix; also, if they wish, the phonetic pronunciation of their name)	<b>Name of Party/ Organization</b>	<b>Phone Number</b>	<b>Email Address</b>
Chris Abbott	Unit Owner—Self Represented		chris@chrisabbott.ca
Roy Cleeves	Unit Owner – Self-Represented		roycleeves@gmail.com
Umair Khan	Unit Owner – Self-Represented		umairkhan.mech@gmail.com
Rajwant Singh	Unit Owner – Self-Represented		rajsingh903@rogers.com
Kamal Sharma	Unit Owner – Self-Represented		nam19m@yahoo.com
Pardeep Dwivedi	Unit Owner – Self-Represented		dwivedipardee@gmail.com
Bhavnil Patel	Unit Owner – Self-Represented		nealpatel02@gmail.com
Jordan Edward Gormley	Unit Owner – Self-Represented		jordang_27@yahoo.ca

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**ENDORSEMENT OF JUSTICE J. DIETRICH:**

- [1] An approval and vesting order was granted by Justice Kimmel on October 8, 2024 (the "**AVO**"). That order, among other things (i) approved a transaction with 1333W Lands Ltd. (the "**Assignee**"); (ii) authorized the Receiver, following notice provided by the Assignee to the Receiver, to terminate and disclaim the pre-existing agreements of purchase and sale for units within Tower A of the Project within 120 days of closing of the transaction (the "**Deadline**"); and (iii) approved a deposit return protocol (the "**Deposit Return Protocol**") pursuant to which deposits would be returned to the purchasers of units that were disclaimed by the receiver in accordance with the AVO.
- [2] The Assignee requests that the Deadline be extended to August 31, 2025. As the transaction closed on October 29, 2024, the Deadline is currently February 26, 2025.
- [3] Westmount Guarantee Services and Aviva Insurance Company of Canada filed material late yesterday objecting to the relief sought by the Assignee. They say that extending the Deadline prejudices their interest under the Deposit Return Protocol as Aviva may incur additional claims for delayed occupancies from certain unit purchasers as a result of the extended Deadline. Counsel advises that this objection has been resolved by Assignee and Aviva on the basis that the Assignee has agreed to pay certain interest or fees incurred by Aviva.
- [4] However, a number of unit purchasers also appeared today. Although the Assignee advises that the unit purchasers were made of aware of this motion by email dated January 16, 2025, those unit purchasers who appeared expressed concern about the communication provided to them and the transparency of the process generally. They also expressed concerns that amending the Deadline as requested would prejudice them as they wish to have their deposits returned sooner rather than later and move on from the situation.
- [5] No court reporter was present today. After hearing initial objections, I advised those present that I would not be granting the requested order today and would adjourn the Assignee's motion. Given the Deadline

does not expire until February 26, 2025, the Assignee has some time to bring this motion back on – on proper to notice to the unit purchasers effected by the relief sought.

- [6] If the Assignee does reschedule this motion and there is the possibility of unrepresented Unit Purchasers attending, counsel to the Assignee should advise the Commercial List Office that a reporter is required.
- [7] Accordingly, the Assignee's motion is adjourned to a date to be rescheduled through the Commercial List Office or at a 9:30 appointment.



Justice J. Dietrich