



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: BK-25-03298120-0031

DATE: December 11, 2025

BK-25-03298122- 0031

BK-25-03289255- 0031

BK-25-03289228- 0031

BK-25-03289256- 0031

BK-25-03289253- 0031

CL-25-00753580- 0000

BK-25-03292766- 0031

NO. ON LIST: 2-9

TITLE OF PROCEEDING: Brooklin Olde Towne Inc.

BEFORE: JUSTICE Myers

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Ravneet Minhas Brian Kolenda	Counsel for the Applicant	rminhas@litigate.com bkolenda@litigate.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Mark Sheeley	Counsel for the Respondents	msheeley@osler.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Chris Armstrong	Counsel for KSV as proposed receiver	carmstrong@goodmans.ca
Mitch Vininsky	KSV Restructuring, proposed receiver	mvininsky@ksvadvisory.com

ENDORSEMENT OF JUSTICE:

- [1] This application was originally before Conway J. on November 20, 2025. She adjourned the proceeding to allow the respondent debtors to deliver evidence and to seek to extend the stay under their NOI.
- [2] On December 2, 2025, counsel for the debtors advised that the debtors were not opposing the receivership and would not be seeking to extend the stay or filing a plan of arrangement under the *BIA*.
- [3] The stay expires on December 14, 2025. At that time, in the absence of a plan of arrangement, the debtors will be deemed to be bankruptcy.
- [4] The debtors jointly borrowed \$13 million from the applicant. Two adjoining parcels are pledged as collateral for the loan. Collateralization includes a first mortgage on each property. The loans and security are in default.
- [5] The principals of the debtors are the same people. They have guaranteed this debt and another approximately \$33 million in separate indebtedness of different related companies secured against different properties. The other companies and their properties were all put into receivership without opposition by Conway J. on November 20, 2025.
- [6] I am satisfied that it is just and convenient for the court to appoint a receiver in this case. The sale of land generally will be conducted by a real estate broker whether a receiver is appointed by the creditor or by the court. With no going concern being managed, it is often hard to see the benefit of using a more costly and cumbersome court appointment to realize on bricks and mortar alone.
- [7] But here, the project is one among many guaranteed by the same people. It may be that the debtors saw the possibility of equity in this case. While apparently, that was not sufficiently real to make it worthwhile to try to restructure, experience shows that small shifts in the market can cause changes in realization. With numerous properties at play, and the others

under court-appointed receivership already – consistency should lead to efficiencies. Moreover, if issues arise among creditors at different sites or the guarantors, such as marshalling, it is convenient to have all properties held and managed in the same way.

- [8] I am not satisfied however that the Receiver needs authority to make preferential payments to critical suppliers. There are no critical suppliers identified in the evidence. Absent a going concern, it is not clear what leverage a supplier might exert in order to so imperil the receivership to practically need preferential payments to avoid risk to all. Should the Receiver find itself making a judgment that critical supplier preferential payments are fair and reasonably needed, it can seek an order. If the applicant consents, a case conference will likely be enough process to discuss and resolve the issue.
- [9] I have signed the order as drafted apart from the critical supplier clause that I have ruled out. I have also amended the last paragraph to clarify that the order is to be entered but that it is effective as at 12:01 a.m. today (EST) regardless of the date of entry. The Rules still require entry of orders.



Date
: Dec
11,
2025

Frederick L. Myers

