

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)**

B E T W E E N:

MARSHALLZEHR GROUP INC.

Applicant

- and -

2557386 ONTARIO INC. and 2363823 ONTARIO INC. o/a MARIMAN HOMES

Respondents

---

**SUPPLEMENTARY RESPONDING MOTION RECORD  
OF UNSECURED CREDITOR,  
GURMINDER KANDOLA  
(Returnable October 1, 2024)**

---

Date: September 25, 2024

Gurminder Kandola  
7297 Terragar Blvd.  
Mississauga, Ontario  
L5N 7L8

Tel: 1-416-704-4516  
Email: [gkandola@euroleaf.com](mailto:gkandola@euroleaf.com)

Self-Represented  
Unsecured Creditor

TO: RECONSTRUCT LLP  
R. Brendan Bissell  
Email: [bbissell@reconllp.com](mailto:bbissell@reconllp.com)  
Jasmine Landau  
Email: [jlandau@reconllp.com](mailto:jlandau@reconllp.com)

Independent Counsel for KSV Restructuring Inc.

AND TO: CHAITONS LLP  
Brendon Bissell  
Email: [bbissell@reconllp.com](mailto:bbissell@reconllp.com)  
Caitlin Fell  
Email: [cfell@reconllp.com](mailto:cfell@reconllp.com)

Independent legal counsel for KSV Restructuring Inc.

AND TO: RORY McGOVERN PC  
Rory McGovern  
Email: [rory@rorymcgovernpc.com](mailto:rory@rorymcgovernpc.com)

Lawyers for the Respondents

AND TO: STEBBING BUTCHER PC  
Alan Butcher  
Email: [alan@stebbingbutcher.com](mailto:alan@stebbingbutcher.com)

Litigation Counsel for the Respondents

AND TO: TORYS LLP  
Adam Slavens  
Email: [aslavens@torys.com](mailto:aslavens@torys.com)

Lawyers for Tarion Warranty Corporation

AND TO: Ontario Ministry of Finance – Insolvency Unit  
Leslie Crawford  
Email: [insolvency.unit@ontario.ca](mailto:insolvency.unit@ontario.ca)

AND TO: KSV Restructuring Inc.  
Mitch Vinisky  
Email: [mvinsky@ksvadvisory.com](mailto:mvinsky@ksvadvisory.com)  
Nisan Thurairatnam  
Email: [NThurairatnam@ksvadvisory.com](mailto:NThurairatnam@ksvadvisory.com)

Court-Appointed Receiver

## INDEX OF RESPONDING MOTION RECORD

### **Document**

Supplementary Affidavit of Gurminder Kandola, sworn on September 25, 2024

- Exhibit A – Ontario Profile Report – Sunray Estates GP Inc as of September 25, 2024

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

MARSHALLZEHR GROUP INC.

Applicant

- and -

2557386 ONTARIO INC. and 2363823 ONTARIO INC. o/a MARIMAN HOMES

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE  
BANKRUPTCY AND INSOLVENCY ACT, RSC 1985, c B-3, AS AMENDED;  
AND SECTION 101 OF THE COURTS OF JUSTICE ACT, RSO 1990, c C. 43,  
AS AMENDED**

**SUPPLEMENTARY AFFIDAVIT OF GURMINDER KANDOLA**

I, Gurminder Kandola, of Mississauga, in the Province of Ontario, MAKE  
OATH AND SAY:

1. I am self-represented as an unsecured creditor in this matter.
2. I am a Buyer of property located within Grand York Estates (hereinafter “the property”) which purchase is pursuant to an Agreement of Purchase and Sale (dated September 13, 2021), as previously stated in my Affidavit dated September 24, 2024.

3. This Supplementary Affidavit addresses the identity of the proposed purchaser of the property (hereinafter “proposed purchaser”), which KSV Restructuring Inc. (hereinafter “KSV”) is seeking court approval of, as outlined in its motion record returnable October 1, 2024.
4. On September 24, 2024, I ordered an Ontario Business Corporation profile search for the proposed purchaser. I was emailed the Ontario Profile Report (hereinafter “Profile Report”) on September 25, 2024. **Shown to me and attached as Exhibit A to my Supplementary Affidavit, is a true copy of the Ontario Profile Report for the proposed purchaser, Sunray Estates GP In. as of September 25, 2024.**
5. The Profile Report (Exhibit A) shows the following facts concerning the proposed purchaser:
  - a. it was incorporated July 25, 2024;
  - b. its head office is 412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, and
  - c. its two directors are (1) David Gilmore Marshall, and (2) Gergory Lester Zehr.
6. The head office of the proposed purchaser is the same as the Applicant’s head office in this proceeding, being 412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3. I obtained this information from the website of the

Applicant, MarshallZehr Group Inc.: [www.Marshallzehr.com](http://www.Marshallzehr.com) and verily believe such fact is true.

7. The directors of the proposed purchaser are the Executive Chairman & Co-Founder Broker of the Applicant, MarshallZehr Group Inc. (Gregory Zehr) and the Co-Founder Broker of the Applicant, MarshallZehr Group Inc. (David Marshall). I obtained this information from the website of the Applicant, MarshallZehr Group Inc.: [www.Marshallzehr.com](http://www.Marshallzehr.com) under "Our People" and verily believe such fact is true.
8. I verily believe that the proposed purchaser and the Applicant are not at arms length. I believe that KSV is acting not in good faith by recommending the proposed sale considering that it appears the Applicant has created a company for the purpose of the proposed sale, essentially selling the property to itself while not honouring the Agreements of Purchase and Sale.
9. I verily believe that the propose sale (this non arms length transaction) is to the detriment of the buyers with Agreements of Purchase and Sale (54 lots) who will lose a significant amount of their deposit money if the proposed sale is court approved.
10. I verily believe that the proposed sale by KSV significantly compromises the interests of the buyers, including myself. I oppose the proposed sale.
11. I make this Affidavit for no improper purpose.

AFFIRMED remotely by video }  
conference by Gurminder Kandola }  
stated as being located in }  
Mississauga, before me at the City of }  
Woodstock, in the Province of Ontario, }  
on September 25, 2024, in accordance }  
with O. Reg 431/20, Administering }  
Oath or Declaration Remotely. }

*Rebecca Pepper*

---

**Rebecca Pepper LSO #52136F**  
A Commissioner for Taking Affidavits



---

Gurminder Kandola

MARSHALLZEHR GROUP INC. -and-  
Applicant

2557386 ONTARIO INC et al  
Respondents

Court File No. CV-23-00699432-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)**

Proceeding commenced at Toronto

**SUPPLEMENTARY AFFIDAVIT OF  
GURMINDER KANDOLA**

Gurminder Kandola  
7297 Terragar Blvd.  
Mississauga, Ontario  
L5N 7L8  
Telephone: 1-416-704-4516  
Email: [gkandola@euroleaf.com](mailto:gkandola@euroleaf.com)



MARSHALLZEHR GROUP INC. -and-  
Applicant

2557386 ONTARIO INC et al  
Respondents

Court File No. CV-23-00699432-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)**

Proceeding commenced at  
TORONTO

**SUPPLEMENTARY RESPONDING  
MOTION RECORD  
OF UNSECURED CREDITOR  
GURMINDER KANDOLA**

Gurminder Kandola  
7297 Terragar Blvd.  
Mississauga, Ontario  
L5N 7L8  
Telephone: 1-416-704-4516  
Email: [gkandola@euroleaf.com](mailto:gkandola@euroleaf.com)



Ministry of Public and  
Business Service Delivery

## Profile Report

SUNRAY ESTATES GP INC. as of September 25, 2024

Act	Business Corporations Act
Type	Ontario Business Corporation
Name	SUNRAY ESTATES GP INC.
Ontario Corporation Number (OCN)	1000961942
Governing Jurisdiction	Canada - Ontario
Status	Active
Date of Incorporation	July 25, 2024
Registered or Head Office Address	412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, Canada

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

**Active Director(s)**

Minimum Number of Directors	1
Maximum Number of Directors	10

Name	DAVID GILMORE MARSHALL
Address for Service	412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, Canada
Resident Canadian	Yes
Date Began	July 25, 2024

Name	GREGORY LESTER ZEHR
Address for Service	412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, Canada
Resident Canadian	Yes
Date Began	July 25, 2024

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

**Active Officer(s)**

<b>Name</b>	PETER ALEXANDER BERCZI
<b>Position</b>	Vice-President
<b>Address for Service</b>	412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, Canada
<b>Date Began</b>	July 25, 2024

<b>Name</b>	WILLIAM CECIL HAYES
<b>Position</b>	Vice-President
<b>Address for Service</b>	412 Albert Street, Suite 100, Waterloo, Ontario, N2L 3V3, Canada
<b>Date Began</b>	July 25, 2024

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

### Corporate Name History

Name

SUNRAY ESTATES GP INC.

Effective Date

July 25, 2024

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

#### Active Business Names

This corporation does not have any active business names registered under the Business Names Act in Ontario.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

### Expired or Cancelled Business Names

This corporation does not have any expired or cancelled business names registered under the Business Names Act in Ontario.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

## Document List

Filing Name	Effective Date
CIA - Initial Return PAF: PETER ALEXANDER BERCZI	July 29, 2024
BCA - Articles of Incorporation	July 25, 2024

All "PAF" (person authorizing filing) information is displayed exactly as recorded in the Ontario Business Registry. Where PAF is not shown against a document, the information has not been recorded in the Ontario Business Registry.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.