

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

KINGSETT MORTGAGE CORPORATON

Applicant

- and -

SUNRISE ACQUISITIONS (HWY 7) INC.

Respondent

**NOTICE OF MOTION  
(Redacted pursuant to Rule 15.04)**

**FRED TAYAR & ASSOCIATES PROFESSIONAL CORPORATION, ("FTAPC")**,  
lawyers for the Respondent will make a motion to a Judge presiding over the Commercial  
List on August 12, 2021 at 11:00 A.M., or as soon after that time as the motion can be  
heard, by video conference at 393 University Avenue, Toronto, Ontario.

**PROPOSED METHOD OF HEARING:** This motion is to be heard orally by video  
conference.

**THE MOTION IS FOR:**

1. an order abridging the time for service of the motion record and the redacted notice  
of motion, if necessary;

2. an order in the form attached hereto as Schedule "A" removing FTAPC as lawyers of record for the Respondent in the within proceeding; and

3. such further and other order as counsel may advise and this Honourable Court permits.

**THE GROUNDS FOR THE MOTION ARE:**

4. rule 15.04 of the *Rules of Civil Procedure*; and

5. such further and other grounds as counsel may advise and this Honourable Court permits.

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

(1) the Affidavit of Fred Tayar affirmed August 4, 2021; and

(2) such further and other documentary evidence as counsel may advise and this Honourable Court permits.

August 4, 2021

**FRED TAYAR & ASSOCIATES**  
**Professional Corporation**  
65 Queen Street West | Suite 1200  
Toronto, ON M5H 2M5

**Fred Tayar – LSO No. 23909N**  
**Colby Linthwaite – LSO No. 49599K**  
T: 416-363-1800  
F: 416-363-3356

**Lawyers for the Respondent**

**TO: THE SERVICE LIST**

**Schedule "A"**

Court File No. CV-21-00663051-00CL

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

THE HONOURABLE )  
JUSTICE \_\_\_\_\_ )

THURSDAY, THE 12<sup>th</sup>  
DAY OF AUGUST, 2021

KINGSETT MORTGAGE CORPORATON

Applicant

- and -

SUNRISE ACQUISITIONS (HWY 7) INC.

Respondent

**O R D E R**

**THIS MOTION**, made by Fred Tayar & Associates Professional Corporation ("**FTAPC**") for an order removing FTAPC as lawyers of record for the Respondent in Court File No. CV-21-00663051-00CL, was heard this day at 393 University Avenue, Toronto, by video conference.

**ON READING** the Affidavit of Fred Tayar affirmed August 4, 2021, and upon hearing the submissions of FTAPC and the Applicant, no one appearing for the Respondent, although duly served as appears from the Affidavit of Service of Marie Pacheco,

1. **THIS COURT ORDERS** that FTAPC be and hereby is removed as lawyers of record for the Respondent in Court File No. CV-21-00663051-00CL. The last known address for the Respondent is 50 West Wilmot Street, Suite 100, Richmond Hill, ON L4B 1M5. The Respondent's Chief Operating Officer is Muzammil Y. Kodwavi, whose email address is [mkodwavi@sunrisehomes.ca](mailto:mkodwavi@sunrisehomes.ca) and telephone number is 905-597-3333. It is not required that the Order be entered. A copy of this Order shall be served on the Respondent, and the Order shall be filed with proof of service.

2. **THIS COURT FURTHER ORDERS** that the Respondent shall, within 30 days after being served with the within Order:

- a) appoint a new lawyer of record by serving a notice under subrule 15.03 (2); or
- b) obtain and serve an order under subrule 15.01 (2) granting it leave to be represented by a person other than a lawyer. O. Reg. 575/07, s. 13 (2).

3. **THIS COURT FURTHER ORDERS** that in the event that the Respondent fails to comply with the terms of paragraph 2 of the within Order:

- a) the court may dismiss its proceeding or strike out its defence; and
  - b) in an appeal,
    - i) a judge of the appellate court may, on motion, dismiss the corporation's appeal, or
    - ii) the court hearing the appeal may deny it the right to be heard.
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Court File No. CV-21-00663051-00CL

KINGSETT MORTGAGE CORPORATION

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SUNRISE ACQUISITIONS (HWY 7) INC.

Applicant

Respondent

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

Proceeding Commenced at Toronto

**ORDER**

**FRED TAYAR & ASSOCIATES**

**Professional Corporation**

65 Queen Street West | Suite 1200

Toronto, ON M5H 2M5

**FRED TAYAR – LSO No. 23909N**

**COLBY LINTHWAITE – LSO No. 49599K**

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F: 416-363-3356

**Lawyers for the Respondent**

KINGSETT MORTGAGE CORPORATION

Applicant

- and -

Court File No. CV-21-00663051-00CL

SUNRISE ACQUISITIONS (HWY 7) INC.

Respondent

**ONTARIO  
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**NOTICE OF MOTION  
(Redacted pursuant to Rule 15.04)**

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**FRED TAYAR – LSO No. 23909N  
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T: 416-363-1800  
F: 416-363-3356

**Lawyers for the Respondent**