

**CITATION:** Urbancorp (St. Clair) Inc., 2020 ONSC 4538  
**COURT FILE NO.:** CV-16-11389-00CL  
**DATE:** 2020-07-24

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:           IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED**

**AND IN THE MATTERP AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF URBANCORP TORONTO MANAGEMENT INC., URBANCORP (ST. CLAIR VILLAGE) INC., URBANCORP (PATRICIA) INC., URBANCORP (MALLOW) INC., URBANCORP (LAWRENCE) INC., URBANCORP DOWNSVIEW PARK DEVELOPMENT INC., URBANCORP (952 QUEEN WEST) INC., KING RESIDENTIAL INC., URBANCORP 60 ST. CLAIR INC., HIGH RES. INC., BRIDGE ON KING INC. (THE "APPLICANTS") AND THE AFFILIATED ENTITIES LISTED IN SCHEDULE "A" HERETO**

**BEFORE:**   Regional Senior Justice Morawetz.

**COUNSEL:** *D.M. Nunes*, for Urbancorp CCAA Entities

*R.B. Schwill*, for the KSV Kofman Inc., Monitor and Receiver

*N. Rabinovitch*,, for Adv. Gus Gissin, Court Appointed Israeli Functioning of Urbancorp Inc.

*S.A. Bomhof*, for First Capital Realty

*T. Saskin*, Self-Represented

**HEARD and DETERMINED:**     July 23, 2020

**TYPED REASONS:**             July 24, 2020

**ENDORSEMENT**

[1]   This endorsement covers three motions:

1. The Stay Extension Motion in these CCAA Proceedings;
2. The Monitor's Motion in Respect of Urbancorp Management Inc.'s (UMI) interest in Fuzion Geothermal Room Units; and

3. The Receiver's Motion in Respect of Approval of a Settlement between Urbancorp Renewable Power Inc. ("URPI") and TS Sports Consulting Inc. (Ted Saskin's company).

[2] All motions proceeded unopposed.

### **Motion to Extend Stay Period**

[3] The basis for the requested relief is set out in the Monitor's Fortieth Report.

[4] In my view, the Report establishes that the parties are working in good faith and with due diligence such that the extension request is reasonable in the circumstances. The extension of the Stay Period will provide the Monitor with the necessary time to continue asset realization and to address outstanding issues.

[5] The required cash-flow statement indicates that the Applicants will have sufficient funds to operate during the extension period.

[6] The extension is granted.

[7] I am satisfied that the Fortieth Report of the Monitor should be approved.

[8] I am also satisfied that the requested fees and disbursements of the Monitor and its counsel and Applicants' counsel are reasonable in the circumstances and they are approved.

[9] The Motion is granted.

### **Fuzion Geothermal**

[10] Counsel advised that this long-standing dispute has been resolved. The grounds for the requested relief are set out in the Motion Record of the Monitor returnable December 10, 2019, and the Third and Fourth Reports KSV Kofman Inc. in its capacity as Receiver of URPI.

[11] I am satisfied that it is appropriate to grant the requested Vesting Order in the form submitted.

[12] The motion is granted.

### **The Receiver's Motion in Respect of Approval of Settlement with TS Sports Consulting Inc.**

[13] Counsel advised that after considerable negotiation between the parties, an agreement was reached concerning the appropriate amount to be paid by the Receiver of URPI to TS Sports Consulting Inc. for advisory fees owed as outlined in the Fourth Report of the Receiver dated July 17, 2020.

[14] The Receiver is of the view that the terms of the settlement fall within the range of what is fair and commercially reasonable under the circumstances.

[15] I accept the views of the Receiver and approve the settlement.

[16] The Motion is granted.

[17] Three orders have been submitted to me. All three orders are in an acceptable form and are to be signed and entered.



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Chief Justice Geoffrey B. Morawetz

**Date:** July 24, 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 URBANCORP TORONTO MANAGEMENT  
INC., URBANCORP (ST. CLAIR VILLAGE) INC., URBANCORP (PATRICIA) INC., URBANCORP (MALLOW) INC.,  
URBANCORP (LAWRENCE) INC., URBANCORP DOWNSVIEW PARK DEVELOPMENT INC., URBANCORP (952 QUEEN  
WEST) INC., KING RESIDENTIAL INC., URBANCORP 60 ST. CLAIR INC., HIGH RES. INC., BRIDGE ON KING INC. (THE  
"APPLICANTS") AND THE AFFILIATED ENTITIES LISTED IN SCHEDULE "A" HERETO**

July 23, 2020

D. M. Nunes for Urbancorp CCAA Entities

R.B. Schwill for KSV Kofman Inc,  
Monitor and Receiver

N. Rabinovitch for Adv. Gus Gissen,  
Court-appointed Israeli

Israeli Functionary of Urbancorp Inc.

S.A. Bomhof for First Capital Realty

T. Saskin - Self Represented.

This endorsement covers three motions

① The Stay Extension Motion in these  
CCAA Proceedings;

② Monitor's Motion in Respect of  
Urbancorp Management Inc's  
(UMI) interest in Fusion

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

PROCEEDINGS COMMENCED AT TORONTO

**NOTICE OF MOTION  
(returnable July 23, 2020)**

**DLA PIPER (CANADA) LLP**  
1 First Canadian Place, Suite 6000  
100 King Street West  
Toronto, ON M5X 1E2

**Edmond F.B. Lamek (LSO No. 33338U)**  
Tel: 416.365.4444  
Fax: 416.369.7945  
Email: edmond.lamek@dlapiper.com

**Danny M. Nunes (LSO No. 53802D)**  
Tel: 416.365.3421  
Fax: 416.369.7945  
Email: danny.nunes@dlapiper.com

Lawyers for the Urbancorp CCAA Entities

Geothermal Room Units; ad

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- ③ Receiver's Motion in Request of Approval of Settlement with between Urbancorp Renewable Power Inc ("URPI") and TS Sports Consulting Inc. (Ted Sastina's Company).

All motions proceeded unopposed.

- ① Motion to extend Stay Period

The basis for the requested relief is set out in the Trustee's Fortieth Report.

In my view the Report establishes that the parties are working in good faith and with due diligence such that the extension request is reasonable in the circumstances.

The extension of the Stay Period will provide the Trustee with

the necessary time to continue  
asset realigning and to address  
outstanding issues.

The required cash-flow statement  
indicates that the Applicants  
will have sufficient funds to operate  
during the extension period.

The extension is granted.

I am also satisfied that the  
Fortwell Report of the Trustee should  
be approved.

I am also satisfied that the requested  
fees and disbursements of the Trustee <sup>and</sup> <sup>its</sup> <sup>counsel</sup> and <sup>Applicants</sup> <sup>counsel</sup>  
are reasonable in the circumstances  
and they are approved.  
The extension is granted.

② Fusion Basketball

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Counsel advised that this long-standing dispute has been resolved.

The grounds for the requested relief are set out in the Motion Record of the Court returned

December 10, 2019, and the

Third and Fourth Reports of KSV Kofman Inc in its capacity as Receiver of the assets of

Pow Inc.

I am satisfied that it is appropriate to grant the requested Justice Order in the form submitted.

③ Receiver's Motion to Approve Settlement with TS Sports Consultancy Inc.

Counsel advised that after considerable negotiations between the parties, an agreement was

reached concerning the appropriate

(5)

amount to be paid by the

Receiver of URPI to TS Sports

Assembly Consulting Inc for

advisory fees owed as outlined

in the Fourth Report of the Receiver  
dated July 17, 2020.

The Receiver is of the view that

the terms of the settlement fall

within the ~~now~~ range of what

is fair and commercially reasonable

under the circumstances.

I accept the views of the

Receiver and approve the settlement

The 11th is granted

Three orders have been submitted

to me. All three orders

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B B Rawetz CT