

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

MATTAMY (DOWNSVIEW) LIMITED

Applicant

KSV RESTRUCTURING INC., IN ITS CAPACITY AS THE
COURT APPOINTED MONITOR OF URBANCORP DOWNSVIEW PARK
DEVELOPMENT INC. PURSUANT TO THE *COMPANIES' CREDITORS ARRANGEMENT
ACT* R.S.C. 1985, C. C-36. AS AMENDED, GUY GISSIN, IN HIS CAPACITY AS THE
APPOINTED FUNCTIONARY AND FOREIGN REPRESENTATIVE OF URBANCORP INC.
BY ORDER OF THE DISTRICT COURT IN TEL AVIV-YAFO, ISREAL

Respondents

APPLICATION UNDER RULE 14.05(2) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg.
194, and Section 46 of the *Arbitration Act 1991*, S.O. 1991, c. 17

AIDE MEMOIRE OF THE APPLICANT, MATTAMY (DOWNSVIEW) LIMITED

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Respondent and Monitor

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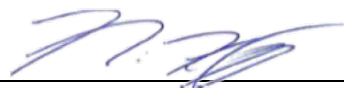
Lawyers for KSV Kofman Inc., in its capacity as Monitor

1. The Applicant, Mattamy (Downsview) Limited (“**Mattamy**”) seeks to schedule a half-day hearing of its Application to set aside an arbitral award under section 46 of the *Arbitration Act* before any Judge of the Commercial List.
2. The Application was originally scheduled to be heard on December 2, 2022, however an issue arose between the parties over the Monitor’s ability to submit evidence on the Application by way of Monitor’s Report, rather than affidavit.
3. On November 16, 2022, the parties attended before Chief Justice Morawetz, who vacated the December 2, 2022 hearing and directed the parties to attend before you to set a new hearing date for the Application. A copy of Chief Justice Morawetz’s endorsement is enclosed as **Tab 1**.
4. Subsequent to the attendance before the Chief Justice, the Monitor delivered evidence by way of affidavit rather than Report. The parties have agreed to the following timetable for remaining steps in the Application and in advance of a hearing to be set:

Step to be Taken	Taken By
Cross-Examinations on Affidavits Complete	January 27
Applicant Factum	February 10
Responding Factum	February 21
Reply Factum	February 24

5. Mattamy respectfully requests an endorsement incorporating the above timetable and setting a half-day hearing subject to change by agreement of the parties.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th day of January, 2023.



Matthew P. Gottlieb / Niklas Holmberg

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Lawyers for Mattamy Homes Limited

TAB 1

CITATION: Urbancorp Toronto Management Inc., 2022 ONSC 6459
COURT FILE NO.: CV-16-11389-00CL
DATE: 2022-11-16

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 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.
(Collectively the "Applicants")**

BEFORE: Chief Justice G.B. Morawetz

COUNSEL: *Robin Schwill*, for KSV Kofman Inc., as Monitor

Neil Rabinovitch, for Adv. Guy Gissin as Court-appointed Israeli Functionary

Niklas Holmberg and Matthew Gottlieb, for Mattamy (Downsview) Limited

HEARD: November 16, 2022

ENDORSEMENT

[1] The Mattamy Application to set aside the decision of Arbitrator Frank Newbould, K.C. is scheduled to be heard on December 2, 2022.

[2] An issue has arisen with respect to whether the Monitor can submit evidence by way of Report or by way of Affidavit. This issue has to be addressed prior to the hearing of the Application.

[3] The December 2, 2022 hearing date is to be vacated.

[4] Mattamy is to bring its motion to address the evidentiary issue on a date to be set by the Commercial List Office.

[5] The parties can attend before McEwen J. to set a new date for the hearing of the Application. I am no longer seized of the Mattamy Application.



Chief Justice G.B. Morawetz

Date: November 16, 2022

MATTAMY (DOWNSVIEW) LIMITED

-and- KSV RESTRUCTURING INC., IN ITS CAPACITY AS THE COURT APPOINTED MONITOR OF URBANCORP DOWNSVIEW PARK DEVELOPMENT INC. PURSUANT TO THE COMPANIES' CREDITORS ARRANGMENT ACT R.S.C. 1985, C. C-36. AS AMENDED, et al.
Respondents

Applicant

Court File No. CV-22-00688349-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

AIDE MEMOIRE

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