



SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

ENDORSEMENT

COURT FILE NO.: CV-23-00711612-00CL DATE: January 18, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: FIERA FP REAL ESTATE FINANCING FUND, L.P. v. VANDYK - 41 WABASH LIMITED et al

BEFORE: Mr. H. J. Justice Wilton-Siegel

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Eric Golden	for the Applicant, Fiera FP Real Estate Financing Fund, L.P.	egolden@blaney.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Jeff Larry	for the Respondents	jeff.larry@paliaroland.com

Other:

Name of Person Appearing	Name of Party	Contact Info
Joey Jamil	for the second mortgagee, Diversified Capital Inc.	jjamil@robapp.com
David Rosenblat	for the Proposed Receiver, KSV Restructuring Inc.	drosenblat@osler.com
Murtaza Tallat		mtallat@ksvadvisory.com

ENDORSEMENT:

In view of the short notice provided to the second mortgagee on the Wabash property, the application in respect of that property is adjourned to be heard at 10:30am on Friday, January 19, 2024.

In respect of the Newcastle property, the debtors have been served and do not oppose the order sought. The borrowers, Vandyk-41 Wabash Limited and 1000318652 Ontario Inc., are in default under various covenants in the commitment letters and mortgages given respectively by them in favour of the applicant. Demand has been made in respect of each loan and there is no evidence of any prospect for a refinancing of the loans and mortgages. Accordingly, it is appropriate to appoint a receiver in respect of the assets of both borrowers. Order to go in the form attached.



WILTON-SIEGEL J.

Date: January 18, 2024