



Court File No. CV-24-00714543-00CL

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

THE HONOURABLE	)	TUESDAY, THE 18 <sup>th</sup>
	)	
JUSTICE CONWAY	)	DAY OF NOVEMBER, 2025

BETWEEN:

**KINGSETT MORTGAGE CORPORATION**

Applicant

-and -

**759 WINSTON CHURCHILL GP INC., 759 WINSTON CHURCHILL L.P., 688  
SOUTHDOWN GP INC., 688 SOUTHDOWN LP, 2226 ROYAL WINDSOR GP INC. and  
2226 ROYAL WINDSOR LP**

Respondents

**ORDER**

**THIS MOTION** made by Kenaidan Contracting Ltd. ("KCL") was heard this day via Zoom videoconference at 330 University Avenue, Toronto, Ontario.

**ON READING** the Consent of the lien claimants and the Receiver to an Order temporarily lifting the stay for the sole purpose of and to the extent of the relief granted in this order, provided that immediately thereafter, the stay shall again be effective with respect to the Lien Proceedings (as defined below), subject to any further Order of the Court.

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1. **THIS COURT ORDERS** that, in order to avoid the adverse implications of the two-year limitation period under section 37 of the *Construction Act* R.S.O. 1990, c. C.30 as amended ("**Act**"), the lien proceedings listed in the attached Schedule "A" ("**Lien Proceedings**") shall be deemed to have been set down for trial in accordance with section 37 of the Act, and the Lien Proceedings shall not be called for trial nor placed upon any trial list until further order of this Honourable Court.
2. **THIS COURT ORDERS** that the Trial Coordinator is not to schedule a Pre-trial or a Trial in any of the matters set out in Schedule "A", pending further Court Order.
3. **THIS COURT ORDERS** that pending further order of this Honourable Court, neither the Receiver nor the Debtors (both as defined in the Receivership Order) shall be required to take any step in or respond to the Lien Proceedings.
4. **THIS COURT ORDERS** that this Order is without prejudice to the parties' rights to engage in the delivery of pleadings, and the process of production, discovery and interlocutory motions in accordance with the *Rules of Civil Procedure* and/or the *Act*, and without prejudice to the Receiver, the Debtors' or any party's rights to take any position, including without limitation with respect to the timeliness, quantum, lienability, and proper preservation and perfection of the liens referred to in the Lien Proceedings, and the granting of this consent does not constitute any waiver of any rights by the Receiver or the Debtors.
5. **THIS ORDER ORDERS** that this Order, once issued, is to be filed in all of the court files set out in Schedule "A", all of which were commenced in Brampton.
6. **THIS COURT ORDERS** that there will be no costs for this motion.

  
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JUSTICE BARBARA CONWAY

### SCHEDULE "A"

Lien Claimant/Plaintiff	Court File No.
<b><i>In relation to the Churchill Project comprised of PIN: 13493-0213 (LT), PIN: 13493-0226 (LT), and PIN: 13493-0225 (LT)</i></b>	
JC Infrastructure Ltd.	Court File No. CV-24-00000385-0000
Montana Electrical Contractors Ltd.	Court File No. CV-24-00000640-0000
Kenaidan Contracting Ltd.	Court File No. CV-24-00000774-0000 Court File No. CV-25-00000284-0000
Superior Sprinkler Co. Ltd.	Court File No. CV-24-00000788-0000
Norman Glass Corporation	Court File No. CV-24-00003964-0000 Court File No. CV-24-00001654-0000
Nucor Steel ULC	Court File No. CV-24-00000901-0000
Black & McDonald Limited	Court File No. CV-24-00001570-0000
<b><i>In relation to the Southdown Project comprised of PIN: 13493-0044 (LT)</i></b>	
Kenaidan Contracting Ltd.	Court File No. CV-24-00000772-0000
Soilcan Inc.	Court File No. CV-24-00000510-0000

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PROCEEDING COMMENCED AT TORONTO

**LIEN CLAIM S. 37 ORDER**

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