

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

B E T W E E N:

**CONSTANTINE ENTERPRISES INC.**

Applicant

- AND -

**MIZRAHI (128 HAZELTON) INC. AND  
MIZRAHI 128 HAZELTON RETAIL INC.**

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE  
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-3, AS AMENDED, AND  
SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, C. C.43, AS AMENDED**

**AIDE MEMOIRE OF THE KSV RESTRUCTURING INC.,  
IN ITS CAPACITY AS COURT-APPOINTED RECEIVER**

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Lawyers for the Receiver

TO: **THE SERVICE LIST**

1 This Aide Memoire is being filed by KSV Restructuring Inc. ("**KSV**"), in its capacity as the Court-appointed receiver and manager (in such capacity, the "**Receiver**") of: (a) certain condominium units located at 126 Hazelton Avenue, Toronto, Ontario and 128 Hazelton Avenue, Toronto, Ontario ("**128 Hazelton Avenue**", as legally described in an order of the Ontario Superior Court of Justice (Commercial List) made on June 4, 2024) (the "**Receivership Order**"); and (b) all of the assets, undertakings and properties of Mizrahi (128 Hazelton) Inc. ("**Hazelton**") and Mizrahi 128 Hazelton Retail Inc. ("**Retail**", together with Hazelton, the "**Debtors**"), or either of them, acquired for, or used in relation to a business carried on by the Debtors ("**Property**"), or either of them, including all proceeds thereof.

2 The Receivership Order was granted by Justice Cavanagh following a hearing, during which counsel for the Debtors and Mr. Mizrahi (the "**Mizrahi Parties**") made a number of arguments opposing the appointment of the Receiver, including requesting an adjournment of the hearing. The position of the Mizrahi Parties was not accepted by the Court and the Receivership Order was granted.

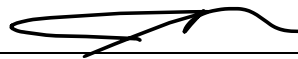
3 The Receiver has served and filed a motion (the "**Hazelton Motion**"), scheduled to be heard before Justice Cavanagh on August 30, 2024 (the "**August 30<sup>th</sup> Hearing**"), which seeks the approval of various transactions involving the purchase and sale of certain Property of the Debtors (the "**Proposed Transactions**").

4 The August 30<sup>th</sup> Hearing was scheduled on August 12, 2024, with the consent of counsel for the Mizrahi Parties. The stated purpose of the August 30<sup>th</sup> Hearing was to seek approval of the Proposed Transactions. The Receiver served its motion record for the Hazelton Motion on Tuesday, August 20, 2024, constituting full notice under the *Rules of Civil Procedure* (Ontario). The Receiver's view is that the Second Report of the Receiver dated August 20, 2024 provides a full response to all concerns that have previously been raised by the Mizrahi Parties. Further, the subject matter of the

motion, being the sale of condo units is not legally onerous and can easily be dealt with in the hour that has been booked.

5 Counsel for the Mizrahi Parties has had ample time to prepare and submit any responding materials. There is no basis for an adjournment of the Hazelton Motion and the Hazelton Motion should proceed on August 30.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 28<sup>th</sup> day of August, 2024.



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Jennifer Stam

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Court File No.: CV-24-00715321-00CL

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**(COMMERCIAL LIST)**  
Proceeding commenced at Toronto

**AIDE MEMOIRE**

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