



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-25-00738703-00CL

DATE: **19-MAR-2025**

NO. ON LIST: 1

TITLE OF PROCEEDING: CERRUTI INVESTMENTS INC. v. 2616766 ONTARIO LIMITED

BEFORE: **Madam Justice J. Dietrich**

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Jeffrey Levine	Counsel for Cerruti Investments Inc.	jeffrey.levine@mcmillan.ca
Alexander Overton	Counsel for Cerruti Investments Inc	alexander.overton@mcmillan.ca

**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
George Bencherit	Counsel for 2763161 Ontario Limited	george@chaitons.com
Christopher Armstrong	KSV Restructuring Inc., in its capacity as proposed receiver	carmstrong@goodmans.ca
David P. Preger/ Talya R. Bertler	Counsel for Vipen Chauser	dpreger@dickinsonwright.com
Mahan Dhillon	In Person	<a href="mailto:Mdhillon981@outlook.com">Mdhillon981@outlook.com</a>

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## **ENDORSEMENT OF Madam Justice J. Dietrich:**

- [1] Cerruti Investments Inc. (“**CII**”) seeks to schedule a hearing of its application to appoint a receiver over the assets, property and undertaking of the Respondent, 2616766 Ontario Limited (“**766**”) pursuant to s. 243 of the *Bankruptcy and Insolvency Act* and s. 101 of the *Courts of Justice Act*. The notice of application was issued on March 10, 2025, however, the application record was just served yesterday (March 18, 2025).
- [2] As at February 19, 2025, CII claims that it is owed approximately \$20 million by 766. The indebtedness is secured by, among other things, a general security agreement and a mortgage on 6500 Cantelon Drive, Windsor, Ontario (the “**6500 Cantelon**”). CII's mortgage is subordinate to two mortgages registered in favour of 2763161 Ontario Inc. (“**161**”) in the total principal amount of \$17 million. Counsel to 161 attended today and advised that they support the relief sought by CII.
- [3] Counsel to Vipen Chause, a director and shareholder of 766 also attended today. He advised that Mr. Chause is the process of trying to redeem not only 161’s mortgages but also CII’s mortgage (although there may be a dispute about the total amount owed to CII).
- [4] Mahan Dillion who is also a director of 766 appeared in person today and advised he is also taking steps to attempt to refinance the mortgages and is in the process of retaining counsel for 766.
- [5] There is some urgency to this matter. 6500 Cantelon is a tenanted industrial property – a 492,000 square foot space on 53.4 acres of land. 766 carried out a significant renovation to the property between 2021 and 2024, but the effort is incomplete. Approximately eight construction liens have been registered against the property, at least one tenant has claimed set off in respect rent owing and property taxes are now in arrears. As well, it appears that a summons regarding certain building code infractions has been issued and funding is needed to remedy those issues.
- [6] The application is scheduled for **90 minutes on April 17, 2025 commencing at 10:30 am** in accordance with the following schedule:
- a. Application record to be delivered (complete);
  - b. Any responding material to be delivered on or before March 28, 2025;
  - c. Any reply material of the applicant to be delivered on or before April 1, 2025;
  - d. Cross-examinations, if any to be completed by April 4, 2025;
  - e. Applicant’s factum to be delivered on or before April 8, 2025;
  - f. Responding facta to be delivered on or before April 11, 2025; and
  - g. Reply factum, if any, to be delivered on or before 12:00 noon on April 15, 2025

[7] All material is to be uploaded to case center no later than 5:00 pm on April 15, 2025.

March 19, 2025



Justice J. Dietrich