

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N :

CERRUTI INVESTMENTS INC.

Applicant

- and -

2616766 ONTARIO LIMITED

Respondent

**SUPPLEMENTAL AFFIDAVIT OF LOU CERRUTI
(Sworn APRIL 8, 2025)**

I, Lou Cerruti, of the City of Hamilton, in the Province of Ontario MAKE OATH
AND SAY:

1. I am the President and Secretary of the Applicant, Cerruti Investments Inc. (“**CII**”), and as such I have personal knowledge of the facts and matters hereinafter described. The facts set out in this affidavit are within my personal knowledge or determined from the face of exhibits to my affidavit and from information and advice provided to me by others. Where matters deposed to herein are based upon information and advice from others, I have identified the source of my information and believe it to be true.

2. This supplemental affidavit is sworn in support of CII’s application to appoint KSV Restructuring Inc. (“**KSV**”) as receiver and manager (the “**Receiver**”) under section 243 of the *Bankruptcy and Insolvency Act* (“**BIA**”) and section 101 of the *Courts of Justice Act* (Ontario) over the property, assets and undertakings (the “**Collateral**”) of the Respondent, 2616766 Ontario Limited (“**766**”), including but not limited to the real property municipally known as 6500 Cantelon Drive, Windsor, Ontario, (the “**Real Property**”) and more specifically described as PIN01379-0439 (LT): PT BLKS D,K,X PL 1644 & PT LTS 118,119,120 CON 2 SANDWICH EAST, PTS 1,2,7,8,29,30

12R19150 SAVE & EXCEPT PART 1 PL 12R25975; S/T EASE LT50141 ON PTS 7,8,29 12R19150; 'AMENDED APR 29, 2003 - AMB'; CITY OF WINDSOR (collectively, the “**Property**”).

3. Capitalized terms used and not otherwise defined herein are defined in the Affidavit of Lou Cerruti sworn March 18, 2025, filed in this proceeding.

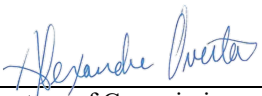
4. On March 18, 2025, I received, through CII’s counsel, a copy of a summons dated February 14, 2025 under section 24 of the *Provincial Offences Act* (Ontario) issued to M.C. McCloskey Engineering Ltd. (“**MCME**”), the construction engineer for the Real Property, indicating that MCME was charged with failing to comply with an order in writing to comply with the *Building Code Act* (Ontario) sections 8(13), 10.2(1) and 18(1)(f) in respect of the Real Property. I understand that while the hearing was initially scheduled for March 17, 2025, it was rescheduled for a date in April 2025. A copy of the summons is attached as Exhibit “**A**”.

5. On March 18, 2025, CII received an executed copy of an Acknowledgement Agreement dated March 18, 2025 signed by 766, as borrower, and Hira Dhillon and Mahan Dhillon, as guarantors (the “**Acknowledgment**”), without schedules. The Acknowledgment acknowledged the Indebtedness owed by 766 to CII as at February 19, 2025 as \$19,625,503.20. A copy of the Acknowledgment is attached as Exhibit “**B**”.

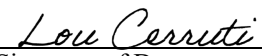
SWORN BEFORE ME: ☐ in person ☒ by video conference

by Lou Cerruti at the City of Hamilton, in the Province of Ontario before me at the City of Toronto, in the Province of Ontario on Date sworn on April 8, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (*or as may be*)



Signature of Commissioner (*or as may be*)



Signature of Deponent

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

**SUPPLEMENTAL AFFIDAVIT
OF LOU CERRUTI
SWORN APRIL 8, 2025**

McMillan LLP

Brookfield Place, Suite 4400, 181 Bay Street
Toronto ON M5J 2T3

Wael Rostom LS#: 43165S

wael.rostom@mcmillan.ca

Tel: 416.865.7790

Jeffrey Levine LS#: 55582H

jeffrey.levine@mcmillan.ca

Tel: 416.865.7791

Alexander Overton LS#: 84789P

alexander.overton@mcmillan.ca

Tel: 416.307.4064

Daniel Shouldice

daniel.shouldice@mcmillan.ca

Tel: 604.691.6858

Lawyers for the Applicant, Cerruti Investments Inc.

This is Exhibit "A" referred to in the

Affidavit of Lou Cerruti

AFFIRMED BEFORE ME:


☐

in
person

☒

by video
conference

by Lou Cerruti of the City of Hamilton, in the Province
of Ontario, before me on April 8, 2025.



A Commissioner for taking Affidavits *(or as may be)*

Alexander Overton

SUMMONS ASSIGNATION

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Under Section 24 of the *Provincial Offences Act*
Aux termes de l'article 24 de la Loi sur les infractions provinciales

Form / Formule 106
Courts of Justice Act
Loi sur les tribunaux judiciaires
R.R.O. / R.R.O. 1990
Reg. / Règl. 200

(Region / Région)

To **M.C. MCCLOSKEY ENGINEERING LTD.**
À **c/o MARK MCCLOSKEY**
of **5745 WYANDOTTE ST. E.**
de(du) **WINDSOR, ON N8S 1M6**

Whereas you have been charged before me that you,
Attendu que vous avez été accusé(e) devant moi d'avoir

on or about the / le ou vers le 21 day of / jour de January; yr. / an 2025 at / à 6500 Cantelon Dr. in the City of Windsor, County of Essex

did commit the offence of / commis l'infraction suivante

Count #1:

Did commit the offence of failing to comply with an order in writing by Inspector Oliver Pozar directing compliance with the Building Code Act, section 8(13); Namely, construction not in accordance with the plans, specification, documents and any other information based on which permit CPBC # 2023-037205 was issued or any changes to the permit authorized by the Chief Building Official.

Count #2:

Did commit the offence of failing to comply with an order in writing by Inspector Oliver Pozar directing compliance with the Building Code Act, section 10.2.(1); Namely, failing to notify the chief building official at each stage of construction specified in the building code for permit CPBC #2023-037205.

Count #3:

Did commit the offence of failing to comply with an order in writing by Inspector Oliver Pozar directing compliance with the Building Code Act, section 18(1)(f); Namely, failing to supply such tests and samples as specified in the order for the purpose of an inspection under the Act.

contrary to Ontario Building Code Act, 1992 s.o. 1992, Chapter 23 section 8.1 and 36 (1)(b)
contrairement à article

THEREFORE YOU ARE COMMANDED IN HIS MAJESTY'S NAME TO APPEAR BEFORE THE ONTARIO COURT OF JUSTICE
À CES CAUSES, VOUS ÊTES SOMMÉ(E), AU NOM DE SA MAJESTÉ, DE COMPARAÎTRE DEVANT LA COUR DE JUSTICE DE L'ONTARIO
at 401-400 CITY HALL SQUARE EAST WINDSOR, ON - IN PERSON OR via AUDIO/VIDEO (see ZOOM information below)
à(au)

on the 17th day of March, 20 25, at 9:00 am m. at Courtroom#2 or via ZOOM
le jour de, à (time / heure) h à at:https://zoom.us/ MEETING
ID:#9369524 9280 PASSCODE: #224 862
(courtroom / salle d'audience)

and to appear thereafter as required by the court to be dealt with according to law.
et de comparaître par la suite selon les exigences du tribunal, afin d'être traité(e) selon la loi.

Issued at The City of Windsor

Délivrée à

this 14 day of February, 20 25
ce jour de

D. Horton
Justice of the Peace
Juge de paix
Province of Ontario
Province de l'Ontario

Judge or Justice of the Peace in and for the Province of Ontario
Juge ou juge de paix dans et pour la province de l'Ontario

NOTICE TO DEFENDANT

You may appear personally, or by representative.

If you do not appear, the court may issue a warrant for your arrest. The trial may proceed in your absence and evidence be taken.

If the trial proceeds and you are convicted, you could be sentenced in your absence. Depending on the offence for which you have been convicted, you could be sentenced to jail and a warrant issued for your arrest.

If you do appear, the trial may proceed. You or the prosecutor may ask the court to adjourn your case to another date. The court may grant or refuse an adjournment request.

Guide for Defendants available at www.ontariocourts.ca/OCJPOAGuide, or
POA 0004 (rev. 06/21) CSD

AVIS AU DÉFENDEUR

Vous pouvez comparaître personnellement au procès ou y être représenté.

Si vous ne comparez pas, le tribunal peut décerner un mandat d'arrestation contre vous. Le procès peut se dérouler en votre absence et les témoignages peuvent être entendus.

Si le procès se déroule et que vous êtes déclaré coupable, vous pourriez être condamné à une peine en votre absence. Selon l'infraction dont vous avez été reconnu coupable, vous pourriez être condamné à une peine d'emprisonnement et un mandat d'arrestation pourrait être délivré contre vous.

Si vous comparez, le procès peut avoir lieu. Vous ou le poursuivant pouvez demander à la cour d'ajourner votre cause à une autre date. La cour peut accorder ou refuser un ajournement.

Le guide pour Accusés disponibles à www.ontariocourts.ca/GuideLIPCJO, ou contacter le

AFFIDAVIT OF SERVICE OF SUMMONS AFFIDAVIT DE SIGNIFICATION DE L'ASSIGNATION

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Under Subsection 26(6) of the *Provincial Offences Act*
En vertu du paragraphe 26(6) de la *Loi sur les infractions provinciales*

I, Oliver Pozar, of City of Windsor,
Je soussigné(e), de(du)

a provincial offences officer make oath and say as follows, that on the 28 day of February, yr. 2025,
agent(e) des infractions provinciales, déclare sous serment que le jour de an

I did serve the summons in the manner indicated below: / j'ai signifié l'assignation de la manière suivante :
(check one / cochez la case applicable)

- (a) ☐ by delivering it personally to the person named; / en la remettant en mains propres à la personne nommée;
- (b) ☐ I could not conveniently find the person named and left the document for them at their last known or usual place of residence
la personne nommée ne pouvant être commodément trouvée, en laissant l'assignation à son intention, à sa dernière
adresse connue ou sa résidence habituelle en la remettant
with / à _____
an individual who appears to be at least sixteen years of age and resident at the same address;
un particulier qui paraît être âgé d'au moins 16 ans et résider à la même adresse
- (c) ☐ by mailing it by registered mail or couriering it to the person at / en l'envoyant par courrier recommandé ou messagerie
their last known or usual place of residence. / à sa dernière résidence connue ou habituelle
- (d) ☐ by sending it by email to / en l'envoyant par courrier électronique à _____
an email address that the person to whom the summons is directed has provided or at which the person is known to receive
email communications, and the person has provided a written response to the email, other than a response that the person
cannot access the summons, or an automatically-generated response.
une adresse électronique que la personne à qui l'assignation est destinée a fournie ou à laquelle elle reçoit des communications
par courrier électronique, selon ce qu'on sait, et cette personne a donné une réponse écrite au courrier électronique, autre
qu'indiquer dans sa réponse qu'elle ne peut pas accéder à l'assignation ou autre qu'une réponse automatisée.
- (e) ☐ by providing it to the person's representative in a manner authorized by O. Reg 475/21 / en la remettant en mains propres
au représentant de la personne d'une façon autorisée par le Règl. de l'Ont. 475/21.

who is a licensee under the *Law Society Act*, and has given prior written or oral consent to receiving the summons on the
person's behalf. / qui est titulaire de permis au sens de la Loi sur le Barreau et qui a consenti au préalable, par écrit ou
oralement, à recevoir l'assignation au nom du destinataire.

- (f) ☐ service on a corporation: by leaving it personally with
signification à une personne morale : en la remettant en mains propres à

_____ the _____
(name / nom) le(la) (position / titre)
(municipal corporation: mayor, reeve, warden, or other chief officer, or the Clerk of the Corporation / municipalité : maire, préfet, président du conseil de comité, ou autre dirigeant ou
secrétaire de la municipalité / Other corporation : manager, secretary, or other executive officer of the corporation, or person apparently in charge of the branch office
/ autre personne morale : directeur, secrétaire ou autre dirigeant, ou personne ayant manifestement la responsabilité de la succursale)

☐ at the address shown on the document. / à l'adresse figurant sur le document.

☐ at / à (au) Purolator

- (g) ☒ by mailing it by registered mail to the corporation at / en l'envoyant par courrier recommandé à la personne morale à (au)

5745 WYANDOTTE ST. E. WINDSOR, ON N8S 1M6

an address held out by the corporation to be its address. / l'adresse indiquée par la personne morale comme étant la sienne.

Sworn before me at _____
Assermenté devant moi à (au)
this 28 day of February, 20 25
ce jour de

Signature
No. _____ Div. _____
N° _____ Div. _____

Justice of the Peace in and for the Province of Ontario/Commissioner
for Taking Affidavits / Juge de paix dans et pour la province de
l'Ontario/Commissaire aux affidavits

This is Exhibit "B" referred to in the

Affidavit of Lou Cerruti

AFFIRMED BEFORE ME:

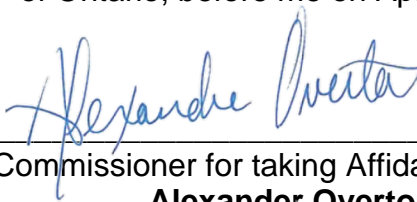
☐

in
person

☒

by video
conference

by Lou Cerruti of the City of Hamilton, in the Province
of Ontario, before me on April 8, 2025.



A Commissioner for taking Affidavits *(or as may be)*

Alexander Overton

TO: Cerruti Investments Inc.

RE: Charge/Mortgage in the principal amount of \$22,000,000.00 (the "Mortgage")
Granted by 2616766 Ontario Limited (the "Borrower")
Registered over 6500 Cantelon Drive, Windsor (the "Property")
In favour of Lou Cerruti, as assigned to Cerruti Investments Inc. (the "Lender")

AND: General Assignment of Rents ("GAR") and General Security Agreement ("GSA")
from the Borrower to the Lender

ACKNOWLEDGMENT AGREEMENT

THE UNDERSIGNED, being the Borrower pursuant to certain loan, mortgage, and security documents made between and among the Borrower, the Lender, and others, which evidence the loan arrangements between the Borrower and the Lender and confirm and recite the sums secured by the Mortgage on the Property and under the GAR and GSA (collectively, the "Security"), hereby acknowledge that as of February 19, 2025, the following sums are due, owing, and are secured by the Mortgage on the Property and the Security, as per the detailed calculations noted on Schedule A and Schedule B attached hereto:

Principal Amount	\$11,034,271.00
Accrued Interest to May 15, 2023	\$ 2,210,554.48
Accrued Interest May 15, 2023 to February 19, 2025	\$ 2,812,981.16
Walker Purchase Price (excluding \$1,404,152.82) ⁽¹⁾	\$ 723,874.57
Renewal, Postponement, and Forbearance Fees + Costs	\$ 1,255,000.00
Lien Rent Bonus (see Schedule B)	\$ 441,811.68
Mortgage Rent Bonus (see Schedule B)	\$ 1,147,010.31

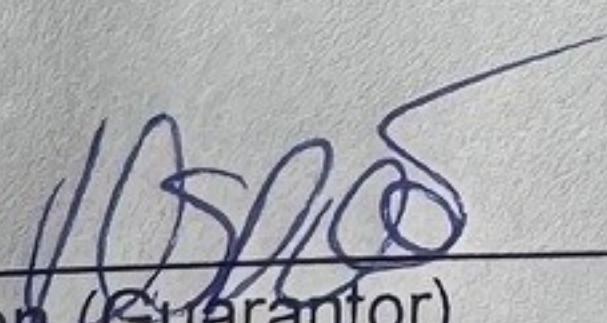
TOTAL AS AT February 19, 2025 **\$19,625,503.20**

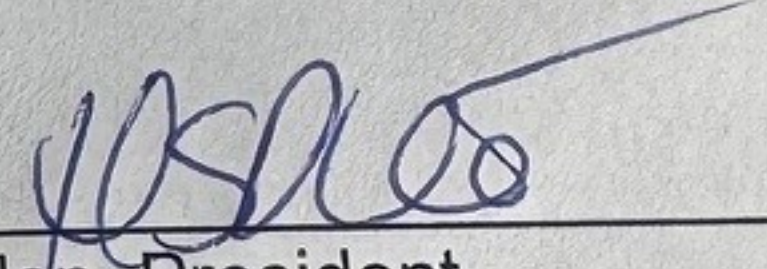
(1) this amount is now reflected in the accrued interest to May 15, 2023, but was originally intended to form a part of the Walker Purchase Price

AND THE UNDERSIGNED further acknowledge and agree that interest continues to accrue on the total amount owing at the combined per diem rate of \$4,496.93 per day, as noted on Schedule A attached hereto.

DATED as of this 19th day of February, 2025.

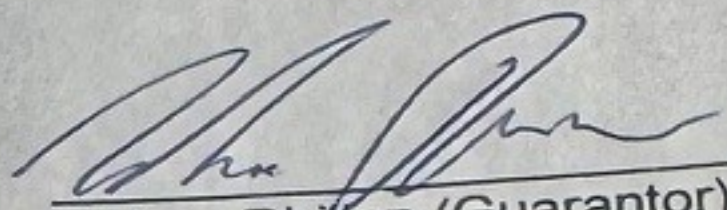
2616766 Ontario Limited


Hira Dhillon (Guarantor)

Per: 
Hira Dhillon, President

Mar 18/2025

Mar 18/2025

A handwritten signature in dark ink, appearing to read 'Mahan Dillon', is written over a horizontal line.

Mahan Dillon (Guarantor)