



Court File No. CV-23-00700694-00CL

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

THE HONOURABLE MADAM

)

THURSDAY, THE 20TH

JUSTICE KIMMEL

)

DAY OF JULY, 2023

)

FIERA FP REAL ESTATE FINANCING FUND, L.P.

Applicant

- and -

**CHANCERY (OSHAWA) THE BARTLETT LIMITED PARTNERSHIP and
CHANCERY (OSHAWA) THE BARTLETT GP INC.**

Respondents

**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**

RECTIFICATION ORDER

THIS APPLICATION, made by Fiera FP Real Estate Financing Fund, L.P. (“**Fiera**”) for an Order in the nature of declaratory relief rectifying certain mutual errors in the security documents entered into between the Applicant and the Respondents which are identified in Schedule “A” to this Order, was heard this day by judicial videoconference via Zoom.

ON READING the affidavit of Ralph Doerr sworn June 8, 2023 and the exhibits thereto, and on hearing the submissions of counsel for Fiera and such other counsel as were present, no one appearing for any other stakeholder although duly served as appears from the affidavit of service of Tamie Dolny sworn June 9, 2023, the affidavits of service of Neil Markowski sworn June 14, 2023, the affidavit of service of Samantha Hans sworn July 13, 2023, the affidavit of service of Alec Hoy sworn July 13, 2023, the affidavits of service of Lisa Maitman sworn July 14, 2023,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the notice of application and the application record is hereby abridged and validated so that this application is properly returnable today and hereby dispenses with further service thereof.

RECTIFICATION

2. **THIS COURT ORDERS** that the mutual errors identified in the security and loan documents detailed at Schedule “A” to this Order are hereby rectified to their corrected form, as further identified in Schedule “A”.

EFFECTIVE TIME

3. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. on the date of this Order without the need for entry or filing.



Digitally signed by Jessica
Kimmel
Date: 2023.07.20 15:26:53 -04'00'

SCHEDULE "A"

1. Assignment of Rents and Leases dated November 30, 2020 granted by Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

2. Completion and Cost Overrun Guarantee dated November 30, 2020 granted by Chancery (Oshawa) The Bartlett Limited Partnership, Chancery (Oshawa) The Bartlett GP Inc., Suske Capital Inc., Chancery Seniors Housing Investments Inc., Hillspport Developments Inc., Stephen Suske and Jessica Zhang

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

3. Assignment of Material Documents and Agreements dated November 30, 2020 granted by Chancery (Oshawa) The Bartlett Limited Partnership and Fiera FP Real Estate Financing Fund, L.P.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

4. General Security Agreement dated November 30, 2020 granted by Chancery (Oshawa) The Bartlett Limited Partnership.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

5. Guarantee and Postponement of Claim dated November 30, 2020 granted by Suske Capital Inc. regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

6. Guarantee and Postponement of Claim dated November 30, 2020 granted by Chancery Seniors Housing Investments Inc. regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

7. Guarantee and Postponement of Claim dated November 30, 2020 granted by Chancery (Oshawa) The Bartlett GP Inc. regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

8. Guarantee and Postponement of Claim dated November 30, 2020 granted by Hillspport Developments Inc. regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

9. Guarantee and Postponement of Claim dated November 30, 2020 granted by Stephen Suske regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

10. Guarantee and Postponement of Claim in the amount of \$2,000,000 dated November 30, 2020 granted by Jessica Zhang regarding the obligations of Chancery (Oshawa) The Bartlett Limited Partnership and Chancery (Oshawa) The Bartlett GP Inc.

Reference to the third PIN being PIN 16301-0236 is corrected to PIN 16301-0462.

- and -

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PARTNERSHIP et al.

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SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

RECTIFICATION
ORDER

AIRD & BERLIS LLP

Brookfield Place
Suite 1800, Box 754
181 Bay St., Toronto, ON
M5J 2T9

Steven Graff (LSO# 31871V)
Tamie Dolny (LSO# 77958U)
Samantha Hans (LSO #84737H)

Tel: 416.863.1500

Fax: 416.863.1515

Lawyers for the Applicant