



Court File No.: CV-24-00722148-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) MONDAY, THE 7th
JUSTICE KIMMEL) DAY OF OCTOBER, 2024

BETWEEN

**KINGSETT MORTGAGE CORPORATION AND FIRST SOURCE FINANCIAL
MANAGEMENT INC.**

Applicants

- and -

MAPLEQUEST VENTURES INC. AND DIGRAM DEVELOPMENTS CALEDON 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**

SALE PROCESS ORDER

THIS MOTION, made by KSV Restructuring Inc. in its capacity as the Court-appointed receiver and manager (in such capacities, the “**Receiver**”) without security, of the real property legally described in Schedules “A” to “D” hereto (the “**Real Property**”) and the Personal Property (as defined in the affidavit of Daniel Pollack sworn June 14, 2024), for an order, *inter alia*, approving: (i) the proposed Sale Process (as defined and described in the First Report of the Receiver dated September 30, 2024 (the “**Report**”); (ii) the sealing of Confidential Appendix “1”; and (iii) the Report and the Supplement to the First Report dated October 2, 2024 (the “**Supplement**” and together with the Report, the “**First Report**”) and the Receiver’s activities and conduct described therein, was heard this day by judicial videoconference via Zoom videoconference.

ON READING the First Report (including the appendices thereto), and on hearing the submissions of counsel for the Receiver and the other parties listed on the counsel slip, no one else appearing for any other party although duly served as appears from the affidavit of service sworn and filed:

SERVICE AND DEFINITIONS

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

2. **THIS COURT ORDERS** that capitalized terms used in this Order and not otherwise defined herein shall have the meanings ascribed to them in the First Report.

SALE PROCESS

3. **THIS COURT ORDERS** that the Sale Process is hereby approved and the Receiver is hereby authorized and directed to implement the Sale Process pursuant to the terms thereof and is hereby authorized and directed to perform its obligations and to do all things reasonably necessary to perform its obligations thereunder, subject to prior approval of the Court being obtained before completion of any transaction resulting from the Sale Process. The Listing Agreement is also hereby approved. For greater certainty, the Debtors, or any of their related parties, in accordance with the terms of the Sale Process Order and the Receivership Order, may present offers to purchase the Property in accordance with the Sale Process or may seek to redeem the Applicants' mortgages that are the subject of these proceedings prior to any sale in accordance with the Sale Process.

4. **THIS COURT ORDERS** that without limiting the generality of paragraph 3 of this Order, the Receiver is authorized to take any and all steps necessary to commission environmental studies and/or reports as may be required, in the sole discretion of the Receiver, to facilitate the Sale Process.

5. **THIS COURT ORDERS** that the Receiver and its affiliates, partners, directors, officers, employees, legal advisors, representatives, agents and controlling persons shall have no liability with respect to any and all losses, claims, damages or liabilities of any nature or kind to any person

in connection with or as a result of the Sale Process, except to the extent of losses, claims, damages or liabilities that arise or result from the gross negligence or wilful misconduct of the Receiver in performing its obligations under the Sale Process, as determined by this Court in a final order that is not subject to appeal or other review.

6. **THIS COURT ORDERS** that, in conducting the Sale Process, the Receiver shall have all of the benefits and protections granted to it under the *Bankruptcy and Insolvency Act* R.S.C. 1985, c. B-3, as amended, the Receivership Order and any other Order of this Court in the within proceeding.

SEALING

7. **THIS COURT ORDERS** that Confidential Appendix “1” shall be sealed, kept confidential and shall not form part of the public record until the earlier of: (a) the closing of all transactions related to the Real Property following the culmination of the Sale Process; and (b) further order of the Court.

APPROVAL OF THE RECEIVER’S ACTIVITIES AND REPORT

8. **THIS COURT ORDERS** that the First Report is hereby approved and the activities and conduct of the Receiver as described therein is hereby ratified and approved; provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approvals.

PIPEDA

9. **THIS COURT ORDERS** that, pursuant to clause 7(3)(c) of the *Canada Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5, the Receiver may disclose personal information of identifiable individuals to prospective purchasers or bidders for the Real Property subject to the Sale Process and to their advisors, but only to the extent desirable or required to negotiate and attempt to complete one or more sales of such Real Property (each, a “Sale”). Each prospective purchaser or bidder to whom such personal information is disclosed shall maintain and protect the privacy of such information and limit the use of such information to its evaluation of the Sale, and if it does not complete a Sale, shall return all such information to the Receiver, or in the alternative destroy all such information. The purchaser of any of the Real

Property shall be entitled to continue to use the personal information provided to it, and related to the Real Property purchased, in a manner which is in all material respects identical to the prior use of such information by the Debtors, and shall return all other personal information to the Receiver, or ensure that all other personal information is destroyed.

GENERAL

10. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.

11. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal and regulatory or administrative bodies, having jurisdiction in Canada or in any other foreign jurisdiction, to give effect to this Order and to assist the Receiver and its respective agents in carrying out the terms of this Order. All courts, tribunals and regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its respective agents in carrying out the terms of this Order.

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



Digitally signed by
Jessica Kimmel
Date: 2024.10.07 22:44:27
-04'00'

SCHEDULE "A"
REAL PROPERTY

10475 Heritage Road, Brampton, Ontario

PIN 14363-0076 (LT)

**PART LOT 13 CONCESSION 5 WEST OF HURONTARIO STREET(CHING) DESIGNATED
PART 1, 43R34281; SAVE AND EXCEPT PARTS 1 AND 2, EXPROPRIATION PLAN
PR4226364; CITY OF BRAMPTON**

SCHEDULE "B"
REAL PROPERTY

11258 Torbram Road, Brampton, Ontario

PIN 14222-0326 (LT)

PART LOT 16 CONCESSION 5 EAST OF HURONTARIO STREET AS IN RO531582
EXCEPT PART 20 43R35903; SUBJECT TO AN EASEMENT IN GROSS OVER PART 21
43R35903 AS IN PR3336328; CITY OF BRAMPTON

PIN 14222-0328 (LT)

PART LOT 16 CONCESSION 6 EAST OF HURONTARIO STREET PART 13 43R18218 &
PART 6 43R36289 EXCEPT PART 4 43R36289 & PART 3 43R35903; CITY OF BRAMPTON

SCHEDULE "C"
REAL PROPERTY

4 Breckonwood Street, Caledon, Ontario

PIN 14235-6765 (LT)

BLOCK 103, PLAN 43M2077; TOWN OF CALEDON

Dotchson Avenue, Caledon, Ontario

PIN 14235-6794 (LT)

BLOCK 132, PLAN 43M2077; SUBJECT TO AN EASEMENT OVER PART BLOCK 132,
PLAN 43M2077 AS IN PR2480476; SUBJECT TO AN EASEMENT AS IN PR4013648;
TOWN OF CALEDON

18 Portman Street, Caledon, Ontario

PIN 14235-6979 (LT)

BLOCK 62, PLAN 43M2096; TOWN OF CALEDON

54 Phyllis Drive, Caledon Ontario

PIN 14235-6773 (LT)

BLOCK 111, PLAN 43M2077; TOWN OF CALEDON

SCHEDULE “D”
REAL PROPERTY

Abutting 54 Phyllis Drive, Caledon Ontario

PIN 14235-5967 (LT)

BLOCK 115, PLAN 43M2042; SUBJECT TO AN EASEMENT FOR ENTRY AS IN
PR3617553; TOWN OF CALEDON

Abutting 18 Portman Street, Caledon, Ontario

PIN 14235-6280 (LT)

BLOCK 73, PLAN 43M2055; SUBJECT TO AN EASEMENT FOR ENTRY AS IN
PR3809487; TOWN OF CALEDON

Abutting 4 Breckonwood Street, Caledon, Ontario

PIN 14235-6286 (LT)

BLOCK 79, PLAN 43M2055; SUBJECT TO AN EASEMENT FOR ENTRY AS IN
PR3616235; TOWN OF CALEDON

