



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00695238-00CL

DATE: September 23, 2024

NO. ON LIST: 2

TITLE OF PROCEEDING: Empirical Capital Corp. v. Richmond Hill Re-Dev Corporation

BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Laura Culleton	Counsel for TDB Restructuring Limited, Receiver	laurac@chaitons.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info

Other:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE CONWAY:

- [1] The Receiver brings this motion for various relief, including approval of its First Report and activities, approval of the statement of receipts and disbursements for the period May 8, 2023 to August 15, 2024, approval of fees and disbursements, a sealing order for the

Confidential Index to the First Report, and an order terminating these proceedings and discharging the Receiver.

- [2] The relief sought is unopposed/on consent. Specifically, counsel for the Receiver advised that the Debtor's secured creditors support the Receiver's discharge.
- [3] The receivership has run its course. The sale process did not yield any offers after an 11-month marketing process. The Receiver now understands that the Applicant and the Debtor have reached an agreement whereby the Applicant will renew its existing mortgage and the Debtor will proceed with its development of the property.
- [4] Given the circumstances and the lack of interest in purchasing the property, I am granting the request for discharge: see *West Face Capital Inc. v. Chieftain Metals Inc.*, 2020 ONSC 5161.
- [5] The remaining relief is acceptable to me, except for the requested sealing order. Since the Receiver is no longer marketing the property and is being discharged, there is no reason to seal the Confidential Appendix. Counsel for the Receiver has accordingly removed section 4 from the draft order.
- [6] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

A handwritten signature in blue ink, appearing to read "Conway J.", is located at the bottom left of the page.