



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP

COURT FILE
NO.:

CV-20-00651299-00CL

DATE: 4 March 2024

NO. ON LIST: 2

TITLE OF
PROCEEDING:
BEFORE:

2615333 ONTARIO INC. -v- CENTRAL PARK AJAX
DEVELOPMENTS PHASE 1 INC. et al
JUSTICE CAVANAGH

PARTICIPANT INFORMATION

For the Applicant:

Name of Person Appearing	Name of Party	Phone and Email
Wendy Greenspoon-Soer	2615333 Ontario Inc.	416-804-2330 wgreenspoon@garfinkle.com
Alexander Soutter	RSM Canada Ltd. <i>(as court-appointed receiver)</i>	416-304-0595 asoutter@tgf.ca
Rebecca Kennedy	RSM Canada Ltd. <i>(as court-appointed receiver)</i>	416-304-0595 rkennedy@tgf.ca

For the Respondent:

Name of Person Appearing	Name of Party	Phone and Email
John R. Hart	Town of Ajax	416-622-6601 jhart@ritchieketcheson.com

Others in Attendance:

observing	
Jeff Berger	Receiver
Geoff Romanowski	Town of Ajax
Aziza Hirsi	Investec

This proceeding involves certain real property in Ajax, Ontario (the “Harwood Properties”). Some, but not all, of the Harwood Properties are subject to a development agreement that granted the Town of Ajax a right to repurchase such lands.

Pursuant to an Order of this Court dated April 15, 2021 (the “Appointment Order”), RSM Canada Limited was appointed as receiver, without security, over the Harwood Properties.

Two motions were heard before me today. This is my endorsement with respect to the motion brought by the Receiver.

The Receiver brings this motion for an Order: (a) for the advice and directions of the Court regarding a further amended sale procedure in respect of the Harwood Properties; (b) sealing Confidential Appendices “1” and “2” to the Fourth Report of the Receiver dated February 5, 2024; (c) approving the Third Report of the Receiver dated December 8, 2023 and the Fourth Report of the Receiver and the Receiver’s activities, decisions and conduct set out therein; (d) approving the Receiver’s Interim Statement of Receipts and Disbursements for the period April 15, 2021 to January 31, 2024; and (e) approving the Receiver’s and its counsel’s fees and disbursements up to and including December 31, 2023.

The Confidential Appendices contains commercially sensitive information including a summary of the salient points of the bids made in the sale procedure undertaken by the Receiver including the identity of one of the bidders. I am satisfied that disclosing this information may affect a further sale procedure in respect of the property. The requested sealing order satisfies the requirements set out in *Sherman Estate v. Donovan*, 2021 SCC 25, at paragraphs 38 and 41.

I am reviewed the motion materials including the Third Report of the Receiver and the Fourth Report of the Receiver. I am satisfied that the requested order should be made. No one opposes.

I will consider the Receiver’s request for advice and directions regarding a further amended sale procedure in respect of the property after I have released my decision on the motion brought by 2615333 Ontario Inc.

Order to issue in form of Order signed by me today.
