

## NOTICE OF CLAIMS PROCESS and INSTRUCTION LETTER

**To Creditors of the Debtors with respect to the properties having the municipal addresses of 110 Avenue Road, Toronto, 112 Avenue Road, Toronto, 114 Avenue Road, Toronto, and 116 Avenue Road, Toronto**

### NOTICE OF CLAIMS PROCESS

By Order of the Ontario Superior Court of Justice (Commercial List) (the "Court") dated September 11, 2020, RSM Canada Limited was appointed by the Court as receiver and manager (the "**Receiver**") without security, over the lands and premises municipally known as 110 Avenue Road, Toronto, 112 Avenue Road, Toronto, 114 Avenue Road, Toronto, and 116 Avenue Road, Toronto (collectively, the "**Properties**") owned by Yorkville Central Investments Inc., Yorkville Central 2 Investments Inc. and Yorkville Central 3 Investments Inc. (collectively, the "**Debtors**") and for all of the assets, undertakings and properties of the Debtors acquired for, or used in relation to the Properties, including all proceeds thereof.

PLEASE TAKE NOTICE that the Court issued an order dated April 19, 2021 (the "**Claims Process Order**"), a copy of which is enclosed, requiring that all Persons who have and wish to assert a claim to the Net Surplus Funds (as defined in the Receiver's Fourth Report to the Court) arising from claims as at September 11, 2020 against the Debtors in respect of the Properties shall do so by filing with the Receiver a proof of claim on or before 5:00 p.m. (Toronto time) on June 18, 2021 (the "**Claims Bar Date**"). Completed Proofs of Claim are to be sent to the Receiver by facsimile or e-mail at the address of the Receiver listed below, but must be received by the Receiver on or before the Claims Bar Date to be considered.

Documents pertaining to the receivership, including the Receiver's Fourth Report to the Court and Proof of Claim Document Packages (including the Proof of Claim) may be obtained from the Receiver's website set out below.

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM(S) AGAINST THE NET SURPLUS FUNDS AND/OR THE RECEIVER WILL BE FOREVER BARRED AND EXTINGUISHED AS AGAINST THE NET SURPLUS FUNDS AND/OR THE RECEIVER, AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION OUT OF THE NET SURPLUS FUNDS IN RESPECT OF THE CLAIM(S) OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

Dated at Toronto this 10<sup>th</sup> day of May, 2021

RSM Canada Limited  
Court-appointed Receiver and Manager of 110 Avenue Road,  
112 Avenue Road, 114 Avenue Road and 116 Avenue Road, Toronto  
Attn: Brenda Wong  
Fax: 647.730.1345  
Email: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

## **INSTRUCTION LETTER**

This Instruction Letter has been prepared to assist persons asserting a claim in filling out the Proof of Claim form with respect to claims against the Debtors in respect of the Properties. If you have any additional questions regarding completion of the Proof of Claim form, please contact the Receiver at the contact information shown below.

### **The Proof of Claim Form is attached as Schedule 1 to this Instruction Letter.**

The Receiver notes that the Debtors may have used agents and/or third parties to manage, and/or enter into agreements regarding, the Properties. As a result, persons having any claims in respect of the Properties, whether as against the Debtors or other parties, should file a claim with the Receiver in accordance with this Claims Process.

In the event of any inconsistency between the terms of this Instruction Letter and the terms of the Claims Process Order, the terms of the Claims Process Order will govern. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Claims Process Order.

### **Section 1 - Particulars of Creditor**

- A separate Proof of Claim form must be filed by each legal entity or Person asserting a claim against the Debtors in respect of the Properties.
- The full legal name of the Person asserting the claim must be provided.
- If the claim has been assigned or transferred to another party, Section 2 must also be completed.
- Unless the claim is assigned or transferred, all future correspondence, notices, etc. regarding the claim will be directed to the address and contact details indicated in the Proof of Claim.

### **Section 2 - Particulars of Original Creditor in case of Assignment**

- If the holder of a claim is the assignee of the claim, then this Section 2 must be completed.
- The full legal name of the original creditor must be provided.
- Please provide particulars of the assignment of the claim in a separate schedule.
- If the Receiver is satisfied that an assignment or transfer has occurred, all future correspondence, notices, etc. regarding the claim will be directed to the assignee at the address and contact details of the assignee indicated in the Proof of Claim.

### **Section 3 - Amount of Claim**

- Indicate the amount the Debtor(s) was as at September 11, 2020, and still is, indebted to the Person asserting the claim on the Proof of Claim.

### *Currency, Original Currency Amount*

- The amount of the claim is assumed to be in Canadian dollars unless specifically indicated otherwise in the Proof of Claim.
- Claims denominated in a currency other than Canadian dollars will be converted into Canadian dollars by the Receiver using the Bank of Canada noon spot exchange rate as of September 11, 2020.

### *Secured*

- Complete this section **ONLY** if the claim recorded on that line is secured. Do not complete this section if your claim is unsecured.
- If the value of the collateral securing your claim is less than the amount of your claim, enter the shortfall portion on a separate line as an unsecured claim.

### *Priority*

- Complete this section **ONLY** if the amount of your claim has a right to priority.
- If a priority claim is being asserted, please provide details as to the nature of the claim being asserted, and the basis for priority on which you rely.

### **Section 4 - Particulars of Claim**

- Attach to the Proof of Claim form all particulars of the claim and supporting documentation, including amount, description of transaction(s), agreement(s) or other document(s) giving rise to or evidencing the claim, including invoices, particulars of all credits, offsets or other deductions claimed, description of the security, if any, granted to the holder of the claim.
- If your claim is a secured claim, evidence supporting the security you hold must be submitted with the Proof of Claim form. Provide full particulars of the nature of the security, including the date on which the security was given and the value you attribute to the collateral securing your claim. Attach a copy of all related security documents.

### **Certification**

- The person signing the Proof of Claim form should:
  - be the holder of the claim, or an authorized representative of the holder of the claim, and
  - have knowledge of all the circumstances connected with the claim.
- By signing and submitting the Proof of Claim, the Creditor is asserting the claim against one or more of the Debtors in respect of the Properties.

### **Filing of Claim**

- The Proof of Claim **must be received** by the Receiver on or before 5:00 p.m. (Toronto time) on June 18, 2021 (the “**Claims Bar Date**”).
- Proofs of Claim should be sent by facsimile or e-mail to the following address:

RSM Canada Limited  
Court-appointed Receiver and Manager of 110 Avenue Road,  
112 Avenue Road, 114 Avenue Road, and 116 Avenue Road, Toronto  
Attn: Brenda Wong  
Fax: 647.730.1345  
Email: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)  
Website: <http://www.rsmcanada.com/avenue-road-properties>

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM(S) AGAINST THE NET SURPLUS FUNDS AND/OR THE RECEIVER WILL BE FOREVER BARRED AND EXTINGUISHED AS AGAINST THE NET SURPLUS FUNDS AND/OR THE RECEIVER, AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION OUT OF THE NET SURPLUS FUNDS IN RESPECT OF THE CLAIM(S) OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**PROOF OF CLAIM RE 110, 112, 114 AND 116 AVENUE ROAD, TORONTO**

**1. Particulars of Creditor:**

(1) Full Legal Name of Creditor: \_\_\_\_\_

(2) Full Mailing Address of Creditor: \_\_\_\_\_

(3) Telephone Number of Creditor: \_\_\_\_\_

(4) Facsimile Number of Creditor: \_\_\_\_\_

(5) E-mail Address of Creditor: \_\_\_\_\_

(6) Attention (Contact Person): \_\_\_\_\_

**2. Particulars of Original Creditor from Whom You Acquired Claim, if Applicable:**

(1) Have you acquired this claim by assignment?

Yes  No

(if yes, attach documents evidencing assignment)

(2) Full Legal Name of original creditor(s): \_\_\_\_\_

**3. Claim:**

I, \_\_\_\_\_, [name of Creditor or authorized representative of the Creditor], am the Creditor/hold the position of \_\_\_\_\_ of the Creditor and have knowledge of all the circumstances connected with the claim described herein; and

The Creditor makes the following claim as at September 11, 2020 against the Debtors in respect of the Properties:

<b>Nature of Claim</b>	<b>Claim Amount*</b>
Secured Claim	
Priority Claim	
Unsecured Claim	
<b>Total Claim</b>	

\* Assumes Canadian funds unless indicated otherwise.

**4. Particulars of Claim:**

The particulars of the undersigned's claim against the Debtors in respect of the Properties are attached.

*(Attach a schedule setting forth full particulars of the claim(s) against the Debtors in respect of the Properties and include supporting documentation, including amount, description of transaction(s) or agreement(s) giving rise to the claim(s), name of any guarantor(s) which has guaranteed the claim(s), and amount of claim(s) allocated thereto, date and number of*

*all invoices (copies of invoices are to be attached), particulars of all credits, discounts, etc. claimed, description of the security, if any, granted and estimated value of such security or title retention arrangement).*

**5. Submission of Proof of Claim:**

THIS PROOF OF CLAIM MUST BE RETURNED BY FACSIMILE OR EMAIL TO AND RECEIVED BY THE RECEIVER ON OR BEFORE 5:00 P.M. (TORONTO TIME) ON JUNE 18, 2021 AT THE FOLLOWING ADDRESS:

RSM Canada Limited  
Court-appointed Receiver and Manager of 110 Avenue Road,  
112 Avenue Road, 114 Avenue Road, and 116 Avenue Road, Toronto  
Attn: Brenda Wong  
Fax: 647.730.1345  
Email: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**DATED** at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

I hereby certify that:

- (a) I am the Claimant or authorized representative of the Claimant.
- (b) I have knowledge of all the circumstances connected with this Claim.
- (c) The Claimant asserts this Claim against the Debtors in respect of the Properties as set out above.
- (d) Complete documentation in support of this Claim is attached.

Witnessed by (WITNESS SIGNATURE  
REQUIRED IN THE CASE OF  
INDIVIDUALS):

*[If Creditor is individual]*

*(sign)* \_\_\_\_\_

*(sign)* \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Print Name

*[If Creditor is corporation]*

\_\_\_\_\_  
Print name of Creditor

\_\_\_\_\_  
Print name of Signing Officer

DATE: \_\_\_\_\_

Per: *(sign)* \_\_\_\_\_  
Authorized Signing Officer