

This hearing involves two motions. The first is a motion by the receiver RSM Canada Limited (“RSM”) and the second is by the applicant MarshallZehr Group Inc. (“MarshallZehr”).

The Motion by RSM

The receiver RSM seeks an order approving its First Report and other relief including an order approving a sales process; an order directing Pensio Property Management Group and/or Pensio Global (“Pensio”) to make a payment to the receiver; and an order authorizing the receiver to pay \$76,807 to Simcoe Standard Condominium corporation No. 420 (“No. 420”).

Pensio opposes the granting of the relief sought against it. The receiver and Pensio agree that this matter should be adjourned. This relief sought by the receiver will be the subject of a motion now scheduled to be heard September 1, 2020 for 2 hours.

The balance of the relief sought in the receiver’s motion is unopposed and should be granted.

The receiver’s First Report, including the Interim Statement of Receipts and Disbursements and the fees and disbursements of the receiver, and its counsel, appear to be in order.

The sales process appears to be reasonable and appropriate. It has the support of MarshallZehr, which is the senior creditor of the respondent. The property will be marketed to developers who could complete the project. MarshallZehr is considering a credit bid. There are no objections to the sales process.

Counsel for No. 420 approves the draft Order insofar as the payment to it is concerned.

The Motion by MarshallZehr

The applicant MarshallZehr brings a motion seeking an order authorizing the receiver to file an assignment in bankruptcy in the name of and on behalf of the respondent Fernwood Developments (Ontario) Corporation.

Counsel for Fernwood seeks an adjournment on the basis that it was short-served on the motion. It needs time to properly respond to the motion and will raise the issue of a possible conflict of interest. This motion is adjourned to July 10, 2020 at 8:30 am for a scheduling appointment.

Order (in respect of the RSM motion) to go as signed by me. The Order is effective from today’s date and it is not required that the Order be entered.



Dietrich J.
Superior Court of Justice (Toronto)
July 7, 2020