

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

B E T W E E N:

405 ST. DAVID STREET INVESTMENTS INC.

Applicant

- and -

2750876 ONTARIO INC.

Respondent

**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**

**SUPPLEMENTARY APPLICATION RECORD OF THE APPLICANT,
405 ST. DAVID STREET INVESTMENTS INC.**

February 20, 2025

ROUSSEAU MAZZUCA LLP
65 Queen Street West, Suite 600
Toronto, ON M5H 2M5

Tel: (416) 304-9899
Fax: (437) 800-1453

Broghan Masters (LSO No.: 78063U)
broghan@rousseaumazzuca.com

Daniel J. Wright (LSO No.: 87443L)
dwright@rousseaumazzuca.com

Lawyers for the Applicant

TO:

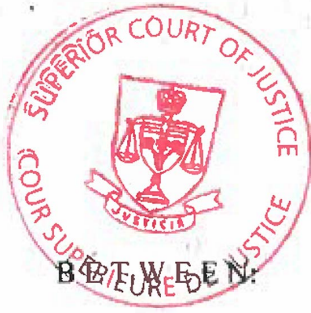
SERVICE LIST
(as of February 20, 2025)

TDB RESTRUCTURING LIMITED 11 King Street West, Suite 700 Toronto, Ontario M5H 4C7 Attn: Bryan Tannanbaum Email: btannenbaum@tdbadvisory.ca Proposed Receiver	DEPARTMENT OF JUSTICE Tax Law Services Division 120 Adelaide Street West, Suite 400 Toronto, Ontario M5H 1T1 Email: AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca Lawyers for Canada Revenue Agency
MINISTER OF FINANCE 95 Grosvenor Street Toronto, Ontario M7A 1Y8 Email: financecommunications.fin@ontario.ca	2750876 ONTARIO INC. 1778 Fellen Place Mississauga, Ontario L5J 4S4 Attn: Michael Moldenhauer Respondent

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TAB 1



Court File No. **CV-24-05733110-0001**

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

405 ST. DAVID STREET INVESTMENTS INC.

Applicant

- and -

2750876 ONTARIO INC.

Respondent

**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**

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- ☐ In person
- ☐ By telephone conference
- ☒ By video conference


at the following location: the Ontario Superior Court of Justice courthouse located at 330 University Avenue, Toronto, ON M5G1R7 on a day ~~to be set by the registrar (TBA)~~. **March 3, 2025 via Zoom.**

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: December 12, 2024

Issued by  **Hamza Mohammed**
Local registrar

Address of court office: Superior Court of Justice
330 University Avenue, 9th Floor
Toronto, ON M5G 1R7

TO: 2750876 ONTARIO INC.
1778 Fellen Place
Mississauga, ON L5J 4S4

Attn: Michael Moldenhauer

APPLICATION

1. THE APPLICANT MAKES AN APPLICATION FOR:

- (a) an order substantially in the form included in the Application Record (the “**Receivership Order**”) pursuant to section 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c C.43 (the “**CJA**”), seeking, *inter alia*:
- (b) if necessary, abridging the time for and validating the service of this Notice of Application and the Application Record and dispensing with further service thereof;
- (c) appointing TDB Restructuring Limited (“**TDB**”) as the Receiver (the “**Receiver**”), without security, over the following properties and undertakings of 2750876 Ontario Inc. (the “**Respondent**”), including:
 - (i) The real property municipally known as 405 St. David Street (Vacant Land), Lindsay, and legally described in PIN 63209-0210 as: PT W1/2 LT 24 CON 6, OPS; PT LT 25 CON 6 OPS; AS IN R197501; EXCEPT PT 5 TO 9 57R5090, PT 4 TO 6 57R7922, PT 1 57R9413, PT 1, 2, 3 57R9525, PT 2 57R9960; T/W R374435; S/T EASEMENT OVER PT 2 57R9413 IN FAVOUR OF PT 1 57R9413 AND ST. DAVID ST. AS IN KL6132; S/T EASEMENT AS IN R295322; SUBJECT TO AN EASEMENT IN GROSS OVER PT 6 57R9647 AS IN KL61106; SUBJECT TO AN EASEMENT IN GROSS OVER PT 1, 2, 3 57R10093 AS IN KL61107; CITY OF KAWARTHA LAKES (“**Parcel 1**”);
 - (ii) The real property municipally known as 405 St. David Street (Vacant Land), Lindsay, and legally described in PIN 63209-0215 as: PT W1/2 LT 24 CON 6, OPS; PT 1 57R9525 (LYING EAST OF PT 1 57R9960); EXCEPT PT 1 57R9960,

PLAN 57M784; S/T EASEMENT IN GROSS OVER PART 2 PL 57R9647AS IN KL17707; CITY OF KAWARTHA LAKES (“**Parcel 2**”); and

(iii) The real property municipally known as 405 St. David Street (Vacant Land), Lindsay, and legally described in PIN 63209-0214 as: PT W 1/2 LT 24 CON 6, OPS; PT 1, 2, 3 57R9525 (LYING WEST OF PT 1 57R9960); EXCEPT PT 1 57R9960, PLAN 57M784; S/T EASEMENT OVER PT 2 57R9525 IN FAVOUR OF PT 1 57R9413 AND ST. DAVID ST., LINDSAY AS IN KL6132; CITY OF KAWARTHA LAKES (“**Parcel 3**”) (collectively, Parcel 1, Parcel 2, and Parcel 3 are referred to as the “**Real Property**”);

(d) granting a charge over the Real Property in favour of the Receiver and the Receiver’s counsel to secure their fees and disbursements (the “**Receiver’s Charge**”) as set out in the proposed Receivership Order;

(e) costs of this application on a substantial indemnity basis, plus applicable taxes, in accordance with the terms of the vendor take-back mortgage (the “**VTB Mortgage**”); and,

(f) such further and other relief as this Honourable Court may deem just.

2. THE GROUNDS FOR THE APPLICATION ARE:

The Parties and the Real Property

(a) The Applicant, 405 St. David Street Investments Inc., is a company incorporated pursuant to the laws of the Province of Ontario, with its registered head office located at 221 Victoria Street, Toronto, Ontario, M5B 1V4;

(b) The Respondent is a company incorporated pursuant to the laws of the Province of Ontario, with its registered head office located at 1778 Fellen Place, Mississauga, Ontario, L4J 4S4, whose sole director is Michael Moldenhauer;

- (c) The Respondent is the registered owner of the Real Property, comprising three adjoining parcels in Lindsay, Ontario (Parcel 1, Parcel 2, and Parcel 3);

The Purchase and Sale of the Real Property

- (d) On or around February 12, 2020, the Applicant entered into an agreement of purchase and sale with 2669049 Ontario Inc. “in trust for a company to be incorporated” (the “**Agreement of Purchase and Sale**”), which included the provision of a vendor-take-back mortgage in favour of the Applicant;
- (e) The Real Property was intended for a subdivision development consisting of lakefront and non-lakefront lots, townhouses, and units (the “**Project**”);
- (f) After the Respondent’s incorporation, the Applicant and the Respondent executed agreements for the conveyance of the Real Property from the Applicant to the Respondent, including a mortgage commitment in favour of the Applicant (the “**Mortgage Commitment**”);
- (g) On May 28, 2021, the Applicant transferred the Real Property to the Respondent and registered a Charge/Mortgage (the VTB Mortgage) against title to the Real Property;
- (h) The Applicant is the secured lender of the Respondent in connection with the VTB Mortgage registered on May 28, 2021;

The Vendor Take Back Mortgage

- (i) The VTB Mortgage was registered in Land Registry Office No. 57 and receipted as Instrument Number KL177752;
- (j) The terms of the VTB Mortgage include, *inter alia*:
 - (i) principal: \$9,860,000.00;

- (ii) interest: 4.0% per annum, compounded semi-annually; and,
- (iii) maturity date: May 27, 2024;
- (k) As of November 27, 2024, the Respondent owes \$10,510,095.32, plus accruing interest and legal fees;

The Default and Notice of Sale

- (l) On May 27, 2024, the Respondent defaulted on the VTB Mortgage by failing to pay the balance upon maturity;
- (m) On May 28, 2024, the Applicant delivered a demand letter and notice of default to the Respondent;
- (n) On July 28, 2024, the Applicant delivered a Notice of Sale in accordance with the *Mortgages Act*, R.S.O. 1990, c. M.40 (the “**Notice of Sale**”);
- (o) The redemption period afforded to the Respondent has expired and the Applicant has received no payment from the Respondent;

Appointment of the Receiver

- (p) The Respondent is unable to fulfil its obligations to the Applicant and is unable to complete the Project;
- (q) Pursuant to the Mortgage Commitment, the Respondent has contractually agreed to the sale of the Real Property in the event of its default on the VTB Mortgage;
- (r) The Applicant has commenced the receivership proceedings to protect its investment and preserve and maximize the value of the Real Property;
- (s) TDB is a licensed insolvency trustee and has consented to be appointed as Receiver, without security, over the Real Property;

Other Grounds

- (t) Section 243 of the *BIA*;
- (u) Section 101 of the *CJA*;
- (v) Rules 1.04, 2.03, 3.02, 14.05(2), 16.08, and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended;
- (w) Part III or, alternatively, Part II of the *Mortgages Act*, R.S.O. 1990, c. M.40; and,
- (x) Such further and other grounds as counsel may advise and this Honourable Court may permit.

3. THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Application:

- (a) The affidavit of Riwaz Sepiashvili, and any exhibits attached thereto;
- (b) The Consent of TDB to act as the Receiver; and
- (c) Such further and other evidence as counsel may advise and this Honourable Court may permit.

~~December 12, 2024~~

February 20 2025

ROUSSEAU MAZZUCA LLP
65 Queen Street West, Suite 600
Toronto, ON M5H 2M5

Tel: (416) 304-9899
Fax: (437) 800-1453

Broghan Masters (LSO No.: 78063U)
broghan@rousseaumazzuca.com

Daniel J. Wright (LSO No.: 87443L)
dwright@rousseaumazzuca.com

Lawyers for the Applicant

405 ST. DAVID STREET INVESTMENTS INC.
Applicant

- and -

2750876 ONTARIO INC.
Respondent

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

NOTICE OF APPLICATION

ROUSSEAU MAZZUCA LLP
65 Queen Street West, Suite 600
Toronto, ON, M5H 2M5
T: 416-304-9899
F: 437-800-1453

Broghan Masters (LSO 78063U)
broghan@rousseaumazzuca.com

Daniel J. Wright (LSO 87443L)
dwright@rousseaumazzuca.com

Lawyers for the Applicant

TAB 2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

405 ST. DAVID STREET INVESTMENTS INC.

Applicant

-and-

2750876 ONTARIO INC.

Respondent


**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**

AFFIDAVIT OF SERVICE

I, Raghav Joshi, of the City of Mississauga in the Province of Ontario, MAKE OATH AND SAY:

1. I am a process server with Dial and File Process Servers Inc. in Toronto, Ontario.
2. On December 16th, 2024 at 10:45 pm, I served the Defendant **2750876 ONTARIO INC.** with the Notice of Application by leaving a copy in a sealed envelope addressed to the Respondent with **LAURIE** who identified herself as the Controller and who appeared to be in care and control of the said business or management at 1778 Fellen Place Mississauga, ON L5J 4S4.
3. I was able to ascertain that the said person was in care and control of the said business or management by means of verbal confirmation.
4. I make this affidavit in support for my service and for no improper or illegal purpose.

SWORN before me at the City
Of Brampton, in the Province
of Ontario on Dec 23, 2024



Commissioner for Taking Affidavits


Raghav Joshi

Michael Patrick Hastie, a Commissioner, etc.,
Province of Ontario, for Dial & File
Process Servers Inc., and for process
serving only. Expires July 26, 2026.

TAB 3



February 3, 2025

VIA REGULAR MAIL

2750876 ONTARIO INC.

1778 Fellen Place
Mississauga, Ontario
L5J 4S4

Attention: Michael Moldenhauer

Re: *405 St. David Street Investments Inc. v 2750876 Ontario Inc.*
Court File No. CV-24-00733110-00CL
Our File No.: 3141-001

We represent 405 St. David Street Investments Inc. (the “**Applicant**”) in the above-noted matter.

On December 12, 2024, the Applicant issued a Notice of Application against 2750876 Ontario Inc. (the “**Respondent**”) to appoint TDB Restructuring Limited (“**TDB**”) as the receiver over the property municipally known as 405 St. David Street (Vacant Land) in Lindsay, Ontario. Enclosed is a copy of the Notice of Application.

The Notice of Application was duly served on the Respondent at its registered business address, 1778 Fellen Place in Mississauga, Ontario on December 16, 2024. A copy of the Affidavit of Service is enclosed.

Pursuant to Rule 38.07 of the *Rules of Civil Procedure*, a respondent who has been served with a notice of application must promptly deliver a notice of appearance (Form 38A). Failure to do so results in the loss of certain entitlements, including:

- Receiving notice of any step in the application,
- Receiving further documents in the application (except in limited circumstances),
- Filing materials, examining witnesses, or cross-examining on affidavits, and
- Being heard at the application hearing, except with leave of the presiding judge.

As the Respondent has not delivered a notice of appearance and given the urgency of this matter, please be advised that the Respondent will no longer receive notice of further steps in this application or related materials unless otherwise ordered by the Court.



Rousseau Mazzuca LLP

Daniel Wright

Lawyer

dwright@rousseaumazzuca.com

☎ 416 304-9899 ext. 2010

The Applicant and TDB will be attending at the Commercial List on February 10, 2025 to schedule a hearing date for the application to appoint TDB as Receiver. Should the Respondent wish to attend, please contact the undersigned immediately with an email address to be added to the virtual court hearing.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

ROUSSEAU MAZZUCA LLP

Daniel Wright

DW/nb

*Encls. Notice of Application, dated December 12, 2024
Affidavit of Service, dated December 23, 2024*



437-800-1453



65 Queen Street West, Suite 1000
Toronto, Ontario, M5H 2M5



www.rousseaumazzuca.com



Court File No. *CV-24-05733110-0001*

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

405 ST. DAVID STREET INVESTMENTS INC.

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COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- ☐ In person
- ☐ By telephone conference
- ☒ By video conference


at the following location: the Ontario Superior Court of Justice courthouse located at 330 University Avenue, Toronto, ON M5G1R7 on a day to be set by the registrar (TBA).

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

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Date: December 12, 2024

Issued by  **Hamza Mohammed**
Local registrar

Address of court office: Superior Court of Justice
330 University Avenue, 9th Floor
Toronto, ON M5G 1R7

TO: **2750876 ONTARIO INC.**
1778 Fellen Place
Mississauga, ON L5J 4S4

Attn: Michael Moldenhauer

APPLICATION

1. THE APPLICANT MAKES AN APPLICATION FOR:

- (a) an order substantially in the form included in the Application Record (the “**Receivership Order**”) pursuant to section 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c C.43 (the “**CJA**”), seeking, *inter alia*:
- (b) if necessary, abridging the time for and validating the service of this Notice of Application and the Application Record and dispensing with further service thereof;
- (c) appointing TDB Restructuring Limited (“**TDB**”) as the Receiver (the “**Receiver**”), without security, over the following properties and undertakings of 2750876 Ontario Inc. (the “**Respondent**”), including:
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 - (ii) The real property municipally known as 405 St. David Street (Vacant Land), Lindsay, and legally described in PIN 63209-0215 as: PT W1/2 LT 24 CON 6, OPS; PT 1 57R9525 (LYING EAST OF PT 1 57R9960); EXCEPT PT 1 57R9960,

PLAN 57M784; S/T EASEMENT IN GROSS OVER PART 2 PL 57R9647AS IN KL17707; CITY OF KAWARTHA LAKES (“**Parcel 2**”); and

(iii) The real property municipally known as 405 St. David Street (Vacant Land), Lindsay, and legally described in PIN 63209-0214 as: PT W 1/2 LT 24 CON 6, OPS; PT 1, 2, 3 57R9525 (LYING WEST OF PT 1 57R9960); EXCEPT PT 1 57R9960, PLAN 57M784; S/T EASEMENT OVER PT 2 57R9525 IN FAVOUR OF PT 1 57R9413 AND ST. DAVID ST., LINDSAY AS IN KL6132; CITY OF KAWARTHA LAKES (“**Parcel 3**”) (collectively, Parcel 1, Parcel 2, and Parcel 3 are referred to as the “**Real Property**”);

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- (e) costs of this application on a substantial indemnity basis, plus applicable taxes, in accordance with the terms of the vendor take-back mortgage (the “**VTB Mortgage**”); and,
- (f) such further and other relief as this Honourable Court may deem just.

2. THE GROUNDS FOR THE APPLICATION ARE:

The Parties and the Real Property

- (a) The Applicant, 405 St. David Street Investments Inc., is a company incorporated pursuant to the laws of the Province of Ontario, with its registered head office located at 221 Victoria Street, Toronto, Ontario, M5B 1V4;
- (b) The Respondent is a company incorporated pursuant to the laws of the Province of Ontario, with its registered head office located at 1778 Fellen Place, Mississauga, Ontario, L4J 4S4, whose sole director is Michael Moldenhauer;

- (c) The Respondent is the registered owner of the Real Property, comprising three adjoining parcels in Lindsay, Ontario (Parcel 1, Parcel 2, and Parcel 3);

The Purchase and Sale of the Real Property

- (d) On or around February 12, 2020, the Applicant entered into an agreement of purchase and sale with 2669049 Ontario Inc. “in trust for a company to be incorporated” (the “**Agreement of Purchase and Sale**”), which included the provision of a vendor-take-back mortgage in favour of the Applicant;
- (e) The Real Property was intended for a subdivision development consisting of lakefront and non-lakefront lots, townhouses, and units (the “**Project**”);
- (f) After the Respondent’s incorporation, the Applicant and the Respondent executed agreements for the conveyance of the Real Property from the Applicant to the Respondent, including a mortgage commitment in favour of the Applicant (the “**Mortgage Commitment**”);
- (g) On May 28, 2021, the Applicant transferred the Real Property to the Respondent and registered a Charge/Mortgage (the VTB Mortgage) against title to the Real Property;
- (h) The Applicant is the secured lender of the Respondent in connection with the VTB Mortgage registered on May 28, 2021;

The Vendor Take Back Mortgage

- (i) The VTB Mortgage was registered in Land Registry Office No. 57 and receipted as Instrument Number KL177752;
- (j) The terms of the VTB Mortgage include, *inter alia*:
 - (i) principal: \$9,860,000.00;

- (ii) interest: 4.0% per annum, compounded semi-annually; and,
- (iii) maturity date: May 27, 2024;
- (k) As of November 27, 2024, the Respondent owes \$10,510,095.32, plus accruing interest and legal fees;

The Default and Notice of Sale

- (l) On May 27, 2024, the Respondent defaulted on the VTB Mortgage by failing to pay the balance upon maturity;
- (m) On May 28, 2024, the Applicant delivered a demand letter and notice of default to the Respondent;
- (n) On July 28, 2024, the Applicant delivered a Notice of Sale in accordance with the *Mortgages Act*, R.S.O. 1990, c. M.40 (the “**Notice of Sale**”);
- (o) The redemption period afforded to the Respondent has expired and the Applicant has received no payment from the Respondent;

Appointment of the Receiver

- (p) The Respondent is unable to fulfil its obligations to the Applicant and is unable to complete the Project;
- (q) Pursuant to the Mortgage Commitment, the Respondent has contractually agreed to the sale of the Real Property in the event of its default on the VTB Mortgage;
- (r) The Applicant has commenced the receivership proceedings to protect its investment and preserve and maximize the value of the Real Property;
- (s) TDB is a licensed insolvency trustee and has consented to be appointed as Receiver, without security, over the Real Property;

Other Grounds

- (t) Section 243 of the *BIA*;
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- (v) Rules 1.04, 2.03, 3.02, 14.05(2), 16.08, and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended;
- (w) Part III or, alternatively, Part II of the *Mortgages Act*, R.S.O. 1990, c. M.40; and,
- (x) Such further and other grounds as counsel may advise and this Honourable Court may permit.

3. THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Application:

- (a) The affidavit of Riwaz Sepiashvili, and any exhibits attached thereto;
- (b) The Consent of TDB to act as the Receiver; and
- (c) Such further and other evidence as counsel may advise and this Honourable Court may permit.

December 12, 2024

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Lawyers for the Applicant

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Proceeding commenced at Toronto

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Lawyers for the Applicant

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AFFIDAVIT OF SERVICE

I, Raghav Joshi, of the City of Mississauga in the Province of Ontario, MAKE OATH AND SAY:

1. I am a process server with Dial and File Process Servers Inc. in Toronto, Ontario.
2. On December 16th, 2024 at 10:45 pm, I served the Defendant **2750876 ONTARIO INC.** with the Notice of Application by leaving a copy in a sealed envelope addressed to the Respondent with **LAURIE** who identified herself as the Controller and who appeared to be in care and control of the said business or management at 1778 Fellen Place Mississauga, ON L5J 4S4.
3. I was able to ascertain that the said person was in care and control of the said business or management by means of verbal confirmation.
4. I make this affidavit in support for my service and for no improper or illegal purpose.

SWORN before me at the City
Of Brampton, in the Province
of Ontario on Dec 23, 2024



Commissioner for Taking Affidavits



Raghav Joshi

Michael Patrick Hastie, a Commissioner, etc.,
Province of Ontario, for Dial & File
Process Servers Inc., and for process
serving only. Expires July 26, 2026.



Rousseau Mazzuca LLP

65 Queen Street West, Suite 1000, Toronto, Ontario M5H 2M5

2750876 ONTARIO INC.
1778 Fellen Place
Mississauga, Ontario
L5J 4S4



TAB 4



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-00733110-00CL

DATE: February 10, 2025

NO. ON LIST: 1

TITLE OF PROCEEDING: 405 ST. DAVID STREET INVESTMENTS INC. v. 2750876 ONTARIO INC.

BEFORE: JUSTICE PENNY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Daniel Wright	Counsel to 405 ST. DAVID STREET INVESTMENTS INC.	dwright@rousseau Mazzuca.com

ENDORSEMENT OF JUSTICE PENNY:

[1] This receivership application is scheduled for one hour at 10:00 AM on March 3, 2025. (via Zoom).

[2] The debtor shall be served with this endorsement.

Penny J.

TAB 5

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

B E T W E E N:

405 ST. DAVID STREET INVESTMENTS INC.

Applicant

- and -

2750876 ONTARIO INC.

Respondent

**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**

AFFIDAVIT OF SERVICE

I, Raghav Joshi, of the City of Mississauga in the Province of Ontario, MAKE OATH
AND SAY:

1. On February 11th, 2025 at 6:10pm, I served the Respondent **2750876 ONTARIO INC.** with the Application Record and Endorsement of Justice Penny dated February 10th, 2025 by leaving a copy of the documents in a sealed envelope addressed to the Respondent with **Laurie** who identified herself as a Controller and who appeared to be in care and control of said business or management at 1778 Fellen Place, Mississauga, ON L5J 4S4.
2. I was able to ascertain that the individual was in care and control of said business or management by means of verbal confirmation.
3. I make this affidavit in support for my service and for no improper or illegal purpose.

SWORN before me at the City
Of Brampton, in the Province
of Ontario on



Commissioner for Taking Affidavits

February 20, 2025



Raghav Joshi

405 ST. DAVID STREET INVESTMENTS INC.

- and -

2750876 ONTARIO INC.

Applicant

Respondent

Court File No. CV-24-00733110-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

SUPPLEMENTARY APPLICATION RECORD
OF THE APPLICANT,
405 ST. DAVID STREET INVESTMENTS

ROUSSEAU MAZZUCA LLP
65 Queen Street West, Suite 600
Toronto, ON, M5H 2M5
T: 416-304-9899
F: 437-800-1453

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Daniel J. Wright (LSO 87443L)
dwright@rousseaumazzuca.com

Lawyers for the Applicant