

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

B E T W E E N:

**UBC SOLUTIONS INCORPORATED**

Applicant

- and -

**1680 BRIMLEY LIMITED PARTNERSHIP, 2808908 ONTARIO INC., and BRIMLEY  
PROGRESS DEVELOPMENTS INC.**

Respondents

**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**

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**AIDE MEMOIRE OF THE APPLICANT**

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June 11, 2026

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**TO: THE SERVICE LIST**

**AND TO: THIS HONOURABLE COURT**

## SERVICE LIST

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## AIDE MEMOIRE OF THE APPLICANT

1. The Applicant, UBC Solutions Incorporated (“**UBC**”), has prepared this aide memoire in advance of the scheduling appearance before the Honourable Justice J. Dietrich on June 12, 2026 at 9:30 a.m. The purpose of this aide memoire is to respond to the submissions made by the Respondents, 1680 Brimley Limited Partnership, 2808908 Ontario Inc., and Brimley Progress Developments Inc. (collectively, the “**Respondents**”), concerning: (i) the Endorsement of Justice Cavanagh, dated June 18, 2025 (the “**Cavanagh Endorsement**”); (ii) the Endorsement of Justice J. Dietrich, dated September 10, 2025 (the “**Dietrich Endorsement**”); and, (iii) the voluntary trusteeship of the Carpenters’ Regional Council (the “**CRC Trusteeship**”).
2. Per the Cavanagh Endorsement (attached as Tab “C” to the Respondents’ Aide Memoire) and the associated Consent filed, the Respondents consented to the relief sought in UBC’s Notice of Application and to the form and content of the draft Order to appoint the receiver, TDB Restructuring Limited (the “**Receiver**”) (the “**Respondents’ Consent**”). Based on certain representations made by the Respondents, UBC agreed to provide the Respondents with a final opportunity to repay the Indebtedness (as defined in UBC’s Notice of Application), including all accrued interest, and certain construction lien amounts, by September 8, 2025; failing which the Respondents’ Consent would take effect. A return date was scheduled for September 10, 2025. UBC’s counsel and the Respondents’ prior counsel, Brett Moldaver, negotiated the terms of the Respondents’ Consent by way of numerous e-mail exchanges (which included multiple drafts) and phone calls prior to the appearance before Justice Cavanagh on June 18, 2025.
3. The Respondents did not repay any amounts by September 8, 2025. Accordingly, on September

10, 2025, counsel appeared before the Honourable Justice J. Dietrich and obtained the Dietrich Endorsement (attached as Tab “D” to the Respondents’ Aide Memoire), granting the associated Order to appoint the Receiver (the “**Appointment Order**”). The matter proceeded on consent and the Respondents’ prior counsel did not raise any issues at that time.

4. UBC has reviewed the letter from the Respondents’ counsel, dated June 5, 2026, enclosing an article from the Globe and Mail (attached as Tab B(i) to the Respondents’ Aide Memoire). It is clear, based on that letter and the Respondents’ submissions in their Aide Memoire, that the Respondents see the CRC Trusteeship (and the media interest) as a convenient opportunity to derail this receivership proceeding by making bald, and very serious, allegations of misconduct on the part of UBC (and in the public record). There is no basis whatsoever to set aside or vary the Receivership Order. The very recent CRC Trusteeship has no bearing on the debt owing by the Respondents to UBC, UBC’s ability to credit bid, or the steps taken by the Receiver to date.
5. A judge of this Honourable Court possesses the inherent power to act as a gatekeeper and to manage a civil case in a manner which ensures that the just, most expeditious and least expensive determination of every civil proceeding on its merits.
6. UBC respectfully requests that this Honourable Court decline to schedule the Respondents’ motions. In the alternative, UBC respectfully requests that this Honourable Court decline to schedule that motion seeking the relief discussed in paragraph 4 above (which the Respondents are “considering”, per paragraph 15 of the Respondents’ Aide Memoire) on the basis that it is vexatious and an abuse of process and on the basis of proportionality. In making this determination, this Honourable Court ought to consider the fact that, to date, the Respondents have not complied with the Appointment Order (per the letter from the Receiver’s counsel to the Respondents’

counsel, dated April 22, 2026, and attached as Tab A(ii) to the Respondents' Aide Memoire), necessitating certain relief being sought by the Receiver in its pending motion.

7. In the event this Honourable Court decides to allow one or both of the Respondents' motions to proceed, UBC states that the timetable proposed by the Respondents is unreasonable and will need to be discussed at the scheduling appearance.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED BY:**



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Applicant

Respondents

Court File No.: CV-25-00740765-00CL

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

Proceeding commenced at Toronto

**AIDE MEMOIRE OF THE APPLICANT**

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