

**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

**AIDE MEMOIRE BRIEF OF 1680 BRIMLEY LIMITED PARTNERSHIP, 2808908
ONTARIO INC. & BRIMLEY PROGRESS DEVELOPMENTS INC.**
(Case Conference returnable on October 6th, 2026)

Date: October 5th, 2026

BLANEY MCMURTRY LLP

Lawyers
2 Queen Street East, Suite 1500
Toronto, ON, M5C 3G5

David T. Ullmann (LSO # 42357I)

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Lawyers for the Respondents, 1680 Brimley Limited
Partnership, 2808908 Ontario Inc., & Brimley Progress
Developments Inc.

To: SERVICE LIST

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

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AIDE MEMOIRE OF THE RESPONDENTS

1. We are providing this Aide Memoire in connection with a case conference scheduled for October 6, 2026, with respect to the various matters and concerns raised by the Respondents seeking the Court's assistance before Justice Dietrich on September 18, 2026. The Receiver and the Respondents have had dialogue since the hearing as recommended by the Court, but most matters remain outstanding.
2. The Receiver had indicated it would serve a further report addressing the sale process and other issues but as of 4:30pm on October 5, 2026, it has not done so as yet. We anticipate it shortly.
3. Based on "without prejudice" conversations we anticipate the issues herein to be addressed tomorrow but we do not have the Receiver's "with prejudice" positions at this time.

Books and Records

4. Further to the last hearing on this matter, there is to be a production order which sets out a process under which the comingled and possibly privileged documents are to be reviewed by an independent third party.

5. On September 23, 2026, the Receiver circulated a draft of the Production Order. The draft is attached as **Appendix “1”**.

6. We are advised by Mr. Joon Hur, General Counsel to the Atria Group, that it is prepared to fund half of the reasonable costs of the production and review process, but at this time, the quantum of those estimated costs is not clear.

7. In response to this concern from the Respondents, the Receiver asked on September 30, 2026, as to the extent of the information involved to assist in providing an estimate of costs. The Respondents are in the process of providing that information.

8. The form of Production Order is acceptable, but for the fact that the Respondents submit that the obligation to pay one half the amount of those costs should be tied to those costs, as estimated, being reasonable.

Hansalex

9. Following the hearing, on September 25, 2026, the Receiver provided two letters to Blaney McMurtry LLP (“**Blaney**”) seeking answers to various questions which remain outstanding with respect to the payments which gave rise to the alleged fraudulent conveyance. A copy of those letters is attached as **Appendix “2.”**

10. The Respondents and Hansalex are in the process of responding to those questions and are in communication with their accounting professionals and their financial institutions in that regard.

11. In addition to its retainer for the Respondents, Blaney has now taken on the retainer of acting for Hansalex in this matter, solely to assist Hansalex in providing an explanation on the part of Hansalex in addition to the Respondents. Blaney is also mindful of the possibility of a conflict in representing both sides of the alleged transaction, but at this time both entities are content with the dual representation and hope this facilitates the resolution of this matter more quickly.

12. It may also be that the response to this matter will be facilitated upon the delivery of information to be produced in accordance with the Production Order. It may be that once the Receiver has that information, a further discussion may resolve this matter without a further hearing or motion. It is our understanding that no relief is sought by the Receiver at this case conference with respect to Hansalex.

13. Hansalex and the Respondents reserve their rights to seek costs relating to the manner in which this matter was raised and publicized by the Receiver but recognize that is for another day.

Sale Process

14. The Respondents remain concerned about the nature of the sale process going forward and continue to be of the view that the sale process would benefit from consultation with Mr. Jain, who remains available to meet with the Receiver, and consultation with Avison Young and/or Colliers. To date no such consultation has taken place.

15. In the absence of consultation, the Respondent's recommendation remains the process it recommended in its materials on September 18, 2026, including that the role of UBC should be restricted, a deadline should be set, and that CBRE should be substituted for a different broker.

16. To the extent any documentation is required by the Receiver to assist it in finalizing the sale process design, the Respondents are prepared to attempt to provide it, independent of the document review process and the imaging of the servers contemplated by the Production Order.

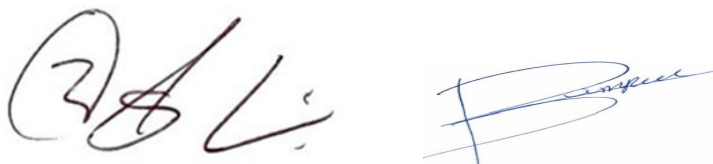
17. The sale process, whatever it is, should be put forward for approval once settled on notice to the Service List. It is not expected that anything should be ordered or approved with respect to the sale process at the case conference at this time.

CMHC and UBC

18. The issues with the CMHC COI remain outstanding but need not be scheduled for determined at this time as the rights were reserved at the last hearing.

19. The Respondents wait for the Receiver to opine on the terms of the UBC guarantee and whether it was proper for that guarantee to be terminated during these proceedings, which impacted the availability and marketability of the CMHC COI.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS DAY BY:



David T. Ullmann/Birpal Benipal

APPENDIX 1

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

THE HONOURABLE

JUSTICE DIETRICH

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FRIDAY THE 18th DAY

OF SEPTEMBER, 2026

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

PRODUCTION ORDER

THIS MOTION made by TDB Restructuring Limited (“**TDB**”) in its capacity as court-appointed receiver and manager (in such capacity, the “**Receiver**”) of (i) the real property known municipally as 1680 Brimley Road, Scarborough, Ontario, and (ii) all the assets, undertakings and properties of the Respondents, 1680 Brimley Limited Partnership, 2808908 Ontario Inc., and Brimley Progress Developments Inc. (the “**Debtors**”), acquired for or used in relation to a business carried on by the Debtors for an Order requiring the Debtors to provide their books and records and grant access to their servers for the purpose of imaging the servers was heard this day at 330 University Avenue, Toronto.

ON READING the Reports, the affidavits of the Receiver and its counsel as to fees (the “**Fee Affidavits**”), the Affidavit of Hans Jain sworn July 16, 2026, the Confidential

Supplementary Responding Affidavit of Hans Jain sworn July 20, 2026, the Transcript of the Cross-examination of Hans Jain dated August 18, 2026, and the Responses to Formal Interrogatories Directed to the Receiver dated September 2, 2026, and on hearing the submissions of counsel for the Receiver, counsel for the Applicant, counsel for the Respondents, and such other parties as listed on the Participant Information Form, no one else appearing although served as evidenced by the Lawyer's Certificate of Service dated July 2, 2026, filed:

1. **THIS COURT ORDERS** that within two days of the date of this Order Hans Jain advise the Receiver of the location of the Respondents' books and records and the Respondents' servers.
2. **THIS COURT ORDERS** that Kroll Consulting Canada Co. ("**Kroll**") is appointed for the purposes of imaging the Respondents' servers (the "**Servers**") and reviewing the information retrieved from the Servers to segregate all information on the servers that is not information of the Respondents or is information of the Respondents but is privileged (together the "**Segregated Information**").
3. **THIS COURT ORDERS** that the Respondents provide access to their servers to Kroll for the purposes set out in paragraph 2 above for a period of time sufficient for Kroll to perform the work set out in paragraph 2 on a date or dates convenient to Kroll.
4. **THIS COURT ORDERS** that Kroll shall provide all information stored on the Servers that is not Segregated Information to the Receiver as soon as practicable.
5. **THIS COURT ORDERS** that Kroll shall prepare a summary of the Segregated Information to the Receiver and to the Respondents.

6. **THIS COURT ORDERS** that the fees and disbursements of Kroll shall be borne equally by the receivership estate and Atria Development Corporation (“**Atria**”) without prejudice to the Receiver making submissions that Atria should bear all of the cost.
 7. **THIS COURT ORDERS** that as soon as practicable Kroll shall provide Atria and the Receiver with an estimate of its fees and disbursements (the “**Estimate**”).
 8. **THIS COURT ORDERS** that within two days of receipt of the Estimate, Atria shall pay half the Estimate to Kroll. Nothing in this paragraph absolves Atria from the obligation to pay its share of the fees and disbursements of Kroll in accordance with paragraph 7 above.
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UBC SOLUTIONS INCORPORATED
Applicant

-and-

1680 BRIMLEY LIMITED PARTNERSHIP, et al.
Respondents

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

ONTARIO
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PROCEEDING COMMENCED AT
TORONTO

PRODUCTION ORDER

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Lawyers for the Receiver,
TDB Restructuring Limited

APPENDIX 2

September 25, 2026

VIA EMAIL dullmann@blaney.com

David Ullmann
Blaney McMurtry LLP
2 Queen Street East, Suite 1500
Toronto, ON M5C 3G5

Dear Mr. Ullmann:

Re: TDB Restructuring Limited re Receivership of 1680 Brimley Limited Partnership et al.

We are writing further to the endorsement of Justice Dietrich dated September 18, 2026, and in particular para 30 of the endorsement.

The Receiver requires the following information and documentation related to the transfer of funds (the “**Transfers**”) from 2808908 Ontario Inc. (“**280**”) to Hansalex Corp (“**Hansalex**”) as identified in Appendix “M” to the First Report of the Receiver dated June 30, 2026:

1. For the period October 3, 2023, to September 5, 2025, account statements for any account from which funds were transferred into 280’s bank account with each transfer to 280’s bank account identified on each statement.
2. For each of the Transfers, the bank statements for the recipient(s)’ bank account(s).
3. If it is the same funds transferred back and forth, evidence of that fact.
4. An explanation of the purpose of the Transfers.
 - a. If the explanation is “accounting purposes” an explanation of what “accounting purposes” means in this context.
5. An explanation why actual funds had to be transferred if the purpose was accounting.

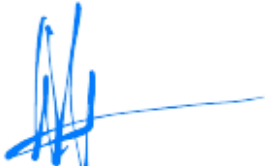
Wojtek Jaskiewicz
Partner
t. 416-947-5094
wjaskiewicz@weirfoulds.com

File 25084.00002

We request that this information be provided to the Receiver as soon as possible.

Yours truly,

WeirFoulds LLP

A handwritten signature in blue ink, appearing to be 'Wojtek Jaskiewicz', with a long horizontal stroke extending to the right.

Wojtek Jaskiewicz
Partner
WJ/aj

September 25, 2026

VIA EMAIL dullmann@blaney.com

David Ullmann
Blaney McMurtry LLP
2 Queen Street East, Suite 1500
Toronto, ON M5C 3G5

Dear Mr. Ullmann:

Re: TDB Restructuring Limited re Receivership of 1680 Brimley Limited Partnership et al.

We write further to our letter of today's date regarding transfers made from 2808908 Ontario inc. to Hansalex Corp. In addition to the information requested in the aforementioned letter, for any transactions involving any of the funds transferred in, or out, of the accounts between 280 and Hansalex, please provide back-up or source documents for the transactions and advise as to the source of the funds.

Yours truly,

WeirFoulds LLP



Wojtek Jaskiewicz
Partner
WJ/aj

Wojtek Jaskiewicz
Partner
t. 416-947-5094
wjaskiewicz@weirfoulds.com

File 25084.00002

UBC SOLUTIONS INCORPORATED

And

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Applicant

Respondents

Address for parties served: See Service List

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at **TORONTO**

AIDE MEMOIRE BRIEF OF THE RESPONDENTS
(Case Conference returnable on October 6th, 2026)

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