

Court File No. CL-25-00753591-0000

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

B E T W E E N:

**RPN FINANCE CORP., PETER JEEWAN, 2742695 ONTARIO INC.,
ROBERT PAULS and JOSEPH BERLJAWSKY**

Applicants

and

**NORMANDY 293 MAPLEHURST INC., NORMANDY 295 MAPLEHURST INC.,
288 SHEPPARD INC., 2646214 ONTARIO LTD. and NAWAR MAHFOOTH**

Respondents

RESPONDING APPLICATION RECORD OF THE RESPONDENTS

December 12, 2025

BE LAW LLP
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Toronto, ON M5T 3A3

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Lawyers for the Respondents,
Normandy 293 Maplehurst Inc., Normandy 295
Maplehurst Inc., 288 Sheppard Inc., 2646214
Ontario Ltd. and Nawar Mahfooth

TO: **SERVICE LIST**

SERVICE LIST
(As of November 11, 2025)

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Proposed Receiver	
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Chaitons LLP 5000 Yonge Street, 10 th Floor Toronto, ON M2N 7E9 Counsel to the Proposed Receiver	Maya Poliak (LSO#: 54100A) Tel: 416-218-1161 Email: maya@chaitons.com
Respondents	
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<p>2646214 Ontario Ltd. 3173 Trailside Drive Oakville, ON L6M 0P3</p>	
<p>Nawar Mahfooth 60 Lacoste Boulevard, Suite 201 Brampton, ON L6P 2K2</p>	
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<p>Attorney General of Canada Department of Justice Canada Ontario Regional Office 120 Adelaide Street West, Suite 400 Toronto, ON M5H 1T1 Fax: 416-973-0942</p> <p>Counsel to His Majesty the King in Right of Canada as represented by the Minister of National Revenue</p>	<p>Fozia Chaudary Tel: 647-256-7347 Email: Fozia.Chaudary@justice.gc.ca</p> <p>Edward Park Tel: 647-292-9368 Email: Edward.Park@justice.gc.ca</p> <p>Vaughan Thatcher Tel: 647-518-0089 Email: Vaughan.thatcher@justice.gc.ca</p> <p>General Intake for Department of Justice AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca</p> <p>Kelly Smith Wayland Email: Kelly.smithwayland@justice.gc.ca</p> <p>Kevin Dias Email: kevin.dias@justice.gc.ca</p>
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<p>Ministry of Finance 6th Floor 33 King St. W. Oshawa, ON L1H 8H5</p>	<p>Steven Groeneveld Counsel, Legal Services Branch, Ministry of Finance, Civil Law Division, Ministry of the Attorney General Ontario Public Service</p> <p>Tel: 905-431-8380 Email: steven.groeneveld@ontario.ca</p>

Insolvency Unit Ministry of Finance 6 th Floor 33 King St. W. Oshawa, ON L1H 8H5	Email: insolvency.unit@ontario.ca
Other Creditors	
Aarti Real Estate Enterprises Inc., 22 Kelways Cir. Brampton, ON L6T 0G6	
Mayuri Ventures Inc., 3525 Palgrave Road Mississauga, ON L5B 1W1	
Sarmad Ganni 60 Lacosta Boulevard, Suite 201, Brampton, ON L6P 2K2	
1842716 Ontario Inc., 2939 Portland Drive, Unit 200 Oakville, ON L6H 5S4	
Addison Wealth Management Inc., 33 Balfour Drive Hamilton, ON L9C 7A5	
The Bank of Nova Scotia 10 Wright Boulevard Stratford, ON N5A 7X9	

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288 SHEPPARD INC., 2646214 ONTARIO LTD. and NAWAR MAHFOOTH**

Respondents

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TAB 1

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and JOSEPH BERLJAWSKY**

Applicants

and

**NORMANDY 293 MAPLEHURST INC., NORMANDY 295 MAPLEHURST INC., 288
SHEPPARD INC., 2646214 ONTARIO LTD. and NAWAR MAHFOOTH**

Respondent

AFFIDAVIT OF SARMAD GANNI

I, Sarmad Ganni of the City of Burlington, in the Province of Ontario, **MAKE OATH AND AFFIRM:**

1. I am a principal of the corporate Respondents in this proceeding. As such I have knowledge of the matters to which I hereinafter depose, except where such knowledge is based on information and belief, in which case I have stated the source of said information and believe it to be true.
2. I swear this affidavit in response to the Applicants' receivership application.

The Parties

3. RPN Finance Corp and 2742695 Ontario Inc. (the "**Corporate Creditors**") are Ontario corporations governed by the *Ontario Business Corporations Act* and have their registered offices in the Province of Ontario.

4. Peter Jeewan, Robert Pauls, and Joseph Berljawsky (the “**Individual Creditors**”) are individuals ordinarily residing in the province of Ontario.

5. Normandy 293 Maplehurst Inc., Normandy 295 Maplehurst Inc., 288 Sheppard Inc., and 2646214 Ontario Ltd. (the “**Corporate Debtors**”), are Ontario corporations governed by the *Ontario Business Corporations Act*, and have their registered office in the Greater Toronto Area, in the Province of Ontario.

6. Nawar Mahfooth (the “**Individual Debtor**”), is an individual ordinarily residing in the Province of Ontario.

The Respondents’ Property

7. The Respondents’ property consists primarily of real property, consisting of mixed-use multi-tenanted buildings. They include commercial and residential spaces, such as, among other things, residential units, retail stores and restaurants.

8. The real properties are municipally known as: 293 Maplehurst Avenue, Toronto, Ontario; 295 Maplehurst Avenue, Toronto, Ontario; 280 Sheppard Avenue East, Toronto, Ontario; 288 Sheppard Avenue East, Toronto; 294 Sheppard Avenue East, and 287 Maplehurst Avenue, Toronto (collectively, the “**Real Properties**”).

9. The Real Properties represent a fully assembled and Ontario Land Tribunal-approved 10-parcel mid-rise redevelopment site with 511 units across 416,830 square feet. The approval unlocks a major intensification block between two MTSA nodes, delivering strong mixed-use density with retail at grade and step-down residential transitions for neighbourhood compatibility.

10. RM zoning, Mixed-Use designation and Special Policy Area status collectively allow a 13-11-8 storey massing with ~29,207 square feet of commercial and 2-storey underground parking. The land is appraised at \$48.3M As-Is (2025).

The Mortgages

11. On October 30, 2020, RPN Finance Corp. (“**RPN**”) together with Libertas Financial Management Inc. granted a loan to Normandy 295 Maplehurst Inc. and 2646214 Ontario Ltd. in the principal amount of \$2,100,000. As security for the loan, RPN obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 295 Maplehurst Avenue as Instrument No. AT5562311 and a Charge/Mortgage registered on title to 280 Sheppard Avenue East as Instrument No. AT5562278 (the “**295 Mortgage**”). The 295 Mortgage was guaranteed by myself and Nawar Mahfooth.

12. On January 20, 2021, RPN granted a loan to Normandy 293 Maplehurst Inc. in the principal amount of \$1,520,000. As security for the loan, RPN obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 293 Maplehurst Avenue as Instrument No. At5640705 (the “**293 Mortgage**”). The 293 Mortgage was guaranteed by myself and Nawar Mahfooth.

13. On May 19, 2021, Morris Launderettes Limited (“**Morris**”) granted a loan to 2646214 Ontario Ltd. and 288 Sheppard Inc. in the principal amount of \$7,000,000. As security for the loan, Morris obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 280 Sheppard Avenue East and 288 Sheppard Avenue East (the “**280 Mortgage**”). The 280 Mortgage was guaranteed by myself and Nawar Mahfooth.

14. On August 10, 2022, Nawar Mahfooth granted a transfer of a mortgage to Joseph Berljawsky (“**Berljawsky**”) in the principal amount of \$300,000, which was registered on title to 287 Maplehurst Avenue, Toronto (the “**287 Mortgage**”). The 287 Mortgage was granted as a collateral mortgage. Mr. Mahfooth did not receive any funds from the 287 Mortgage and there was no money exchanged.

15. The 293 Mortgage, the 280 Mortgage, the 295 Mortgage, and the 287 Mortgage are collectively referred to as the “**Mortgages**”.

16. The Mortgages incorporated standard charge terms 200433 (the “**SCT**”). Under the terms of the SCT, the Respondents agreed to maintain the property in good condition and to carry out any necessary repairs, in accordance with the nature and description of the property.

17. Pursuant to the terms of the Mortgages and the SCT, failure to pay taxes of any nature or kind, constitutes an event of default, thereby entitling the Applicants to exercise rights available under the terms of the Mortgages.

Default and Demand

18. The Mortgages have matured. On or about June 27, 2025 and October 30, 2025 the Applicants by their lawyers issued notices of intention to enforce security pursuant to Section 244 of the BIA (the “**BIA Notices**”).

The Respondents Are Applying Rents, Have Maintained the Properties

19. The affidavit of Mayer Michalowicz, sworn November 11, 2025 (the “**Michalowicz Affidavit**”), states that “the Respondents are continuing to collect rent and revenues from their

tenants. Notwithstanding the foregoing, the Respondents have made no payments to the Applicants on account of the amounts owing.” This statement is incorrect.

20. Rents are being collected and applied as follows:

- (a) 280 Sheppard: the Respondents are collecting rent which is being used to pay the first mortgagee;
- (b) 288 Sheppard: rent is being collected by the first mortgagee on 288 Sheppard, which is the same as the second mortgagee on both 280 and 288 Sheppard;
- (c) 287 Maplehurst: rent is being collected by the owner;
- (d) 293 Maplehurst: not rented at this time;
- (e) 295 Maplehurst: rent is being applied to toward the Company that owns the house.

21. The Michalowicz Affidavit further states that “I am advised by RSG Law that the Real Properties are in a substantial state of disrepair”. This is incorrect and is moreover hearsay evidence.

22. The Real Properties are not in a substantial state of disrepair. However, they are development properties and the houses are not being maintained as residences. The commercial properties are being maintained because they are tenanted.

23. To the best of my knowledge, there are no major unrecorded work orders for any of the Real Properties.

Not Just and Convenient to Appoint a Receiver

24. In all of the above circumstances, it is not just and convenient to appoint a court-appointed receiver over the Property.

25. The appointment of a receiver will not maximize value, and it is not the best way to protect the interests of all stakeholders. In particular, the appointment of a receiver will be extremely costly.

26. I affirm this affidavit in response to the Applicants' receivership application and for no other or improper purpose.

AFFIRMED by Sarmad Ganni at the City of Burlington, in the Province of Ontario, before me on December 12, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Jared Rosenbaum

Commissioner for Taking Affidavits
(or as may be)
JARED S. ROSENBAUM

Sarmad Ganni

SARMAD GANNI

RPN FINANCE CORP. et al.
Plaintiffs

-and- **NORMANDY 293 MAPLEHURST INC. et al.**
Defendants

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ONTARIO
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PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT OF SARMA D GANNI
(affirmed December 12, 2025)

BE LAW LLP

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Lawyers for the Respondents,
Normandy 293 Maplehurst Inc., Normandy 295
Maplehurst Inc., 288 Sheppard Inc., 2646214 Ontario
Ltd. and Nawar Mahfooth

Email for party served:

TAB 2

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SHEPPARD INC., 2646214 ONTARIO LTD. and NAWAR MAHFOOTH**

Respondent

AFFIDAVIT OF NAWAR MAFOOTH

I, Nawar Mahfooth of the City of Burlington, in the Province of Ontario, **MAKE OATH AND AFFIRM:**

1. I am a Respondent in this proceeding. As such I have knowledge of the matters to which I hereinafter depose, except where such knowledge is based on information and belief, in which case I have stated the source of said information and believe it to be true.

2. I swear this affidavit in response to the Applicants' receivership application.

The Parties

3. RPN Finance Corp and 2742695 Ontario Inc. (the "**Corporate Creditors**") are Ontario corporations governed by the *Ontario Business Corporations Act* and have their registered offices in the Province of Ontario.

4. Peter Jeewan, Robert Pauls, and Joseph Berljawsky (the “**Individual Creditors**”) are individuals ordinarily residing in the province of Ontario.

5. I, Nawar Mahfooth (the “**Individual Debtor**”), am an individual ordinarily residing in the Province of Ontario.

The Respondents’ Property

6. The Respondents’ property consists primarily of real property, consisting of mixed-use multi-tenanted buildings. They include commercial and residential spaces, such as, among other things, residential units, retail stores and restaurants.

7. The real properties are municipally known as: 293 Maplehurst Avenue, Toronto, Ontario; 295 Maplehurst Avenue, Toronto, Ontario; 280 Sheppard Avenue East, Toronto, Ontario; 288 Sheppard Avenue East, Toronto; 294 Sheppard Avenue East, and 287 Maplehurst Avenue, Toronto (collectively, the “**Real Properties**”).

8. The Real Properties represent a fully assembled and Ontario Land Tribunal-approved 10-parcel mid-rise redevelopment site with 511 units across 416,830 square feet. The approval unlocks a major intensification block between two MTSA nodes, delivering strong mixed-use density with retail at grade and step-down residential transitions for neighbourhood compatibility.

9. RM zoning, Mixed-Use designation and Special Policy Area status collectively allow a 13-11-8 storey massing with ~29,207 square feet of commercial and 2-storey underground parking. The land is appraised at \$48.3M As-Is (2025).

The Mortgages

10. On October 30, 2020, RPN Finance Corp. (“**RPN**”) together with Libertas Financial Management Inc. granted a loan to Normandy 295 Maplehurst Inc. and 2646214 Ontario Ltd. in the principal amount of \$2,100,000. As security for the loan, RPN obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 295 Maplehurst Avenue as Instrument No. AT5562311 and a Charge/Mortgage registered on title to 280 Sheppard Avenue East as Instrument No. AT5562278 (the “**295 Mortgage**”). The 295 Mortgage was guaranteed by Sarmad Ganni and myself.

11. On January 20, 2021, RPN granted a loan to Normandy 293 Maplehurst Inc. in the principal amount of \$1,520,000. As security for the loan, RPN obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 293 Maplehurst Avenue as Instrument No. At5640705 (the “**293 Mortgage**”). The 293 Mortgage was guaranteed by Sarmad Ganni and myself.

12. On May 19, 2021, Morris Launderettes Limited (“**Morris**”) granted a loan to 2646214 Ontario Ltd. and 288 Sheppard Inc. in the principal amount of \$7,000,000. As security for the loan, Morris obtained, inter alia, a Charge/Mortgage in its favour, which was registered on title to 280 Sheppard Avenue East and 288 Sheppard Avenue East (the “**280 Mortgage**”). The 280 Mortgage was guaranteed by Sarmad Ganni and myself.

13. On August 10, 2022, I granted a transfer of a mortgage to Joseph Berljawsky (“**Berljawsky**”) in the principal amount of \$300,000, which was registered on title to 287 Maplehurst Avenue, Toronto (the “**287 Mortgage**”). The 287 Mortgage was granted as a collateral mortgage. I did not receive any funds from the 287 Mortgage and there was no money exchanged.

14. The 293 Mortgage, the 280 Mortgage, the 295 Mortgage, and the 287 Mortgage are collectively referred to as the “**Mortgages**”.

15. The Mortgages incorporated standard charge terms 200433 (the “**SCT**”). Under the terms of the SCT, the Respondents agreed to maintain the property in good condition and to carry out any necessary repairs, in accordance with the nature and description of the property.

16. Pursuant to the terms of the Mortgages and the SCT, failure to pay taxes of any nature or kind, constitutes an event of default, thereby entitling the Applicants to exercise rights available under the terms of the Mortgages.

Default and Demand

17. The Mortgages have matured. On or about June 27, 2025 and October 30, 2025 the Applicants by their lawyers issued notices of intention to enforce security pursuant to Section 244 of the BIA (the “**BIA Notices**”).

Not Just and Convenient to Appoint a Receiver

18. In all of the above circumstances, it is not just and convenient to appoint a court-appointed receiver over the Property.

19. The 287 Mortgage is fully secured by other properties, so it is not just and convenient to put in a receiver on this property.

20. In addition, the appointment of a receiver will not maximize value, and it is not the best way to protect the interests of all stakeholders. In particular, the appointment of a receiver will be extremely costly.

21. I affirm this affidavit in response to the Applicants’ receivership application and for no other or improper purpose.

AFFIRMED by Nawar Mahfooth at the City of Burlington, in the Province of Ontario, before me on December 12, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Jared Rosenbaum

Commissioner for Taking Affidavits
(or as may be)
JARED S. ROSENBAUM

Nawar Mahfooth

NAWAR MAHFOOTH

RPN FINANCE CORP. et al.
Plaintiffs

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Email for party served:

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