

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) MONDAY, THE 25th
)
JUSTICE STEELE) DAY OF MARCH, 2024
)

B E T W E E N:

**C & K MORTGAGE SERVICES INC., BAMBURGH HOLDINGS INC.,
YERUSHA INVESTMENTS INC., 1008118 ONTARIO LIMITED,
CANADIAN WESTERN TRUST COMPANY, E. MANSON INVESTMENTS LTD.,
CORY NOORLANDER, B & M HANDELMAN INVESTMENTS LTD.,
CAROL HANDELMAN, BEATRYCE SPIEGEL, RANDY SPIEGEL,
STACEY SPIEGEL and COMFORT CAPITAL INC.**

Applicants

- and -

**VILLAGE DEVELOPMENTS INC., PAUL DEBATTISTA,
2865595 ONTARIO INC. and 2865594 ONTARIO INC.**

Respondents

ORDER

THIS MOTION, made by Paul DeBattista, for various relief relating to lands and premises municipally known as 7686 Appleby Line, Milton, Ontario and legally described in Schedule A hereto (the “**Milton Property**”) and to discharge Alvarez & Marsal Canada Inc. (“**A&M**”) as Court-appointed receiver (in such capacity, the “**Receiver**”) of the Milton Property, and other relief ancillary thereto, was heard this day via videoconference.

ON READING the Affidavit of Paul DeBattista sworn March 21, 2024, the First Report of the Receiver dated February 21, 2024 (the “**First Report**”), the Receiver’s Supplement to the First Report dated March 24, 2024 (the “**Supplement**”) and on hearing the submissions of

counsel for Paul DeBattista, counsel for the Receiver and counsel for C & K Mortgage Services Inc.,

1. THIS COURT ORDERS that the activities of the Receiver, as set out in the First Report and the Supplement, are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

2. THIS COURT ORDERS that the fees and disbursements of the Receiver and its counsel, as set out in the First Report, are hereby approved.

3. THIS COURT ORDERS that, upon the receipt by the Receiver or its counsel, in trust, of certified funds or a wire transfer in the amount of \$3.35 million, all registrations on title to the Milton Property in favour of the following parties shall be expunged and discharged:

(a) C & K Mortgage Services Inc.;

(b) 9929916 Canada Inc.; and

(c) Laurent Carrier.

4. THIS COURT ORDERS that upon the registration in the Land Registry Office for the Land Titles Division of Halton (No. 20) of an Application to Amend the Register Based on Court Order in the form prescribed by the Land Titles Act, the Land Registrar is hereby directed to delete and expunge from title to the Milton Property all of the instruments listed in Schedule B hereto.

5. THIS COURT ORDERS that upon the instruments listed in Schedule B hereto being deleted and expunged the Receiver shall be authorized and directed to make the Distributions (as defined in the First Report).

6. THIS COURT ORDERS that, upon the Receiver filing a certificate confirming that the Distributions have been completed and all other activities required for the administration of the receivership estate have been completed, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Milton Property, provided however that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of A&M in its capacity as Receiver.

Schedule A – Legal Description of Milton Property

PIN: 24965-0118 (LT)

PT LT 15, CON 5 NNS , AS IN 546162 ; MILTON/NELSON

Schedule B – Instruments To Be Deleted And Expunged From Title To Milton Property

1. HR1267536 2015/05/22 CHARGE \$1,408,853 DEBATTISTA, PAUL CARRIER, LAURENT
2. HR1357040 2016/05/13 CHARGE \$2,200,000 DEBATTISTA, PAUL VALOUR MORTGAGE SERVICES INC.
3. HR1357041 2016/05/13 CHARGE \$400,000 DEBATTISTA, PAUL VALOUR MORTGAGE SERVICES INC.
4. HR1357042 2016/05/13 CHARGE \$150,000 DEBATTISTA, PAUL VALOUR MORTGAGE SERVICES INC.
5. HR1357247 2016/05/16 NOTICE \$1 DEBATTISTA, PAUL CARRIER, LAURENT
6. HR1357254 2016/05/16 POSTPONEMENT CARRIER, LAURENT VALOUR MORTGAGE SERVICES INC.
7. HR1357255 2016/05/16 POSTPONEMENT CARRIER, LAURENT VALOUR MORTGAGE SERVICES INC.
8. HR1357256 2016/05/16 POSTPONEMENT CARRIER, LAURENT VALOUR MORTGAGE SERVICES INC.
9. HR1359555 2016/05/26 NO ASSGN RENT GEN DEBATTISTA, PAUL VALOUR MORTGAGE SERVICES INC.
10. HR1481274 2017/08/16 TRANSFER OF CHARGE VALOUR MORTGAGE SERVICES INC. COMMUNITY TRUST COMPANY
11. HR1689440 2020/03/11 TRANSFER OF CHARGE VALOUR MORTGAGE SERVICES INC. C & K MORTGAGE SERVICES INC.
12. HR1689469 2020/03/12 NO ASSGN RENT GEN VALOUR MORTGAGE SERVICES INC. C & K MORTGAGE SERVICES INC.
13. HR1881023 2022/04/05 TRANSFER OF CHARGE VALOUR MORTGAGE SERVICES INC. 9929916 CANADA INC.
14. HR1882026 2022/04/08 TRANSFER OF CHARGE COMMUNITY TRUST COMPANY OLYMPIA TRUST COMPANY
15. HR1882027 2022/04/08 TRANSFER OF CHARGE OLYMPIA TRUST COMPANY 9929916 CANADA INC.
16. HR1983874 2023/08/21 APL COURT ORDER ONTARIO SUPERIOR COURT OF JUSTICE ALVAREZ & MARSAL (CANADA) INC.

C & K MORTGAGE SERVICES INC et al.

**-and-
Applicants**

VILLAGE DEVELOPMENTS INC. et al

Respondents

Court File No. CV-23-00700497-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO**

ORDER

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