



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00711609-00CL

DATE: January 7, 2025

NO. ON LIST: 03

TITLE OF PROCEEDING: THE TORONTO-DOMINION BANK v. TORONTO ARTSCAPE INC.

BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Hugh McHenry	THE TORONTO-DOMINION BANK	hmchenry@harrisonpensa.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Catherine Francis	Receiver	cfrancis@foglers.com
Rachel Moses	Receiver	rmoses@foglers.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
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Trevor Pringle	Msi Spergel – Receiver	
Ben Mcintosh	City of Toronto	
Chris Lee		

SUPPLEMENTARY ENDORSEMENT OF JUSTICE CONWAY:

- [1] Following the release of my endorsement and signed orders today, Ms. Francis (counsel to the Receiver) raised a concern about the sealing order language in the Ancillary Order. My addition of the wording that the sealing order remains in effect pending the closing of the Transactions does not cover the confidential appraisals and information for other properties that are still for sale in the receivership– in particular, 130 Queens Quay East, Toronto, which is the largest property under receivership and TD Bank’s primary security.
- [2] I agree that the sealing order should extend to the appraisals and information about these additional receivership properties, to protect the interests of stakeholders while these properties continue to be marketed.
- [3] I have signed a revised Ancillary Order with corrected language to address this concern. This Ancillary Order supersedes and replaces the one that I signed earlier today.

