



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ ENDORSEMENT FORM

COURT FILE NO.: CV-24-00715191-00CL DATE: NOVEMBER 26, 2024

NO. ON LIST: 3

TITLE OF PROCEEDING: **HOME TRUST COMPANY v. VANDYK-BACKYARD HUMBERSIDE LIMITED**

BEFORE: **JUSTICE W.D. BLACK**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Rosemary Fisher	Lawyer for the Receiver	FisherR@simpsonwagle.com

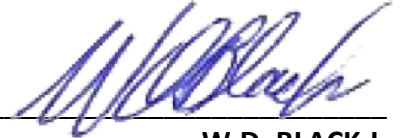
For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Graham Phoenix	Lawyer for Kay Family Investments	gphoenix@ln.law
Arif Raza	Lawyer for 22233651 Ontario Limited and Haleemah Muhammad	arifraza@gmail.com

ENDORSEMENT OF JUSTICE W.D. BLACK:

- [1] This was a motion by msi Spergel Inc. (the "Receiver"), in its capacity as receiver and manager, without security, of the assets, undertakings and properties of Vandyk-Backyard Humberside Limited (the "Debtor") seeking approval of a proposed distribution of net proceeds of sale of a property of the Debtor, approving the Receiver's Second Report, and its conduct, activities and fees in that regard, approving the fees of its counsel, approving the Receiver's Final Statement of Receipts and Disbursements, and an order prospectively discharging the Receiver (as well as related relief).
- [2] At the time the materials were initially filed, there was a dispute between the second mortgagee and the purchaser of the property at issue relative to the second mortgagee's legal fees incurred in enforcing its security. The Receiver had proposed to pay into court an amount in connection with that dispute.

- [3] However, by the time the matter was before me, an agreement had been reached in that regard to settle that dispute, and so the proposed order provided by the Receiver was now entirely unopposed.
- [4] In my view the relief sought by the Receiver on this motion is appropriate and justified, and, particularly in the absence of any opposition, I am prepared to grant that relief.
- [5] As such, I have signed the attached order.



W.D. BLACK J.

DATE: NOVEMBER 26, 2024