

Court File Number: CV-18-596204

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

The Superintendent of Financial Services Plaintiff(s)

AND

Building & Development Mortgages Defendant(s)
CANADA INC

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- Order Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

Adjourned to: _____

Time Table approved (as follows):

I am satisfied that the
three motions brought by
FAAR Mortgage Administrators Inc
as the court-appointed
trustee that are not

_____ Date

_____ Judge's Signature

Additional Pages _____

(2)

opposed should be granted on the terms of the attached orders as follows:

- (a) Tax Opinion Order;
- (b) Post Place 2 order; and
- (c) Peter Richmond Distribution Order.

(2) With respect to the Trustee's Motion seeking the OMC Distribution Order, I declined a request for a "last minute" adjournment by Fortson because I was

(3)

not provided with any explanation why Fortner, which had 13 days notice of this Motion, waited until 8:38 AM today to advise of its adjournment request. I concluded that it would be unfair to all of the other stake holders to grant the adjournment request at this late date.

(3) Further, with respect to Fortner's request that funds be withheld from the OMC distribution, I concluded that there was

(4)

absolutely no evidence before
me to support Fortner's
entitlement to any portion
of the distribution proceeds
and declined to withhold
any amount on behalf of
Fortner.

④ The Motion is granted on
the terms of the OML
Distribution Order attached.

James J.

October 15, 2020