

COUNSEL SLIP

COURT FILE

NO.: CV-20-00648284-00CL

DATE: NOVEMBER 1, 2021

NO. ON LIST 1

TITLE OF
PROCEEDING

MILEVSKY ET AL -v- DICK ET AL

COUNSEL FOR: NAME OF PERSON APPEARING:

PLAINTIFF(S) COLBY LINTHWAITE

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APPLICANT(S)

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PETITIONER(S)

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COUNSEL FOR: NAME OF PERSON APPEARING :

DEFENDANT(S) CALVIN HO, for Trustee

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RESPONDENT(S) KAREN ALDER, Trustee Rumanek

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JOLANTA SLEZAK, for Equitable Bank

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TIM DUNCAN, for Receiver

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JUDICIAL NOTES:

The Receiver's motion for distribution is scheduled for 90 minutes before a Judge of the Commercial List on February 14, 2022.

The following issues shall be determined by this Court on the return of the motion:

1. With respect to the first mortgagee, The Equitable Trust Company, whether it is entitled to a prepayment charge, being three months' bonus interest pursuant to section 17 of the Mortgages Act, or otherwise;
2. The amount which the third and fourth mortgagees are entitled to recover in respect of legal costs and enforcement costs under their mortgages; and
3. Whether the CPL holders, Willy and Ester Klein, have any rights in the proceeds.

The parties will work collaboratively to establish a timetable for the exchange of materials in advance of the return of the motion, failing which they may seek my assistance or the assistance of another Judge of the Commercial List at a case conference.

There being no dispute by any of the parties regarding the mortgagor's liability for the principal amounts, interest, costs and expenses on the first and second mortgages, and there being no dispute by any of the parties regarding the mortgagor's liability for the principal amounts on the third and fourth mortgages, the Receiver is hereby authorized and directed to pay those amounts to the First Mortgagee, the Second Mortgagee, the Third Mortgagee and the Fourth Mortgagee forthwith.

“Penny J.”