



SUPERIOR COURT OF JUSTICE

**COUNSEL SLIP /
ENDORSEMENT**

COURT FILE NO.: **CV-21-00661967-0000 /
CV-14-0010443-00CL**

DATE: **10 August 2022**

TITLE OF PROCEEDING **MERIDIAN CREDIT UNION LIMITED v. VANDERMEER GREENHOUSES LTD.**
BEFORE MR. JUSTICE OSBORNE

NAMES OF COUNSEL AND PARTY:

APPLICANT(S) - **Paul Marshall, Cassandra Kirewskie, Debra McAllister** for the Applicants in CV-21-00661967-0000 and for the Interested Parties in CV-14-001-0443-00CL

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NAMES OF COUNSEL AND PARTY:

RESPONDENT(S) – **Ross McFarlane** for Meridian Credit Union Limited & Agent for the Corporation of the Town of Niagara-on-the-Lake; **Heather Mackay** for Her Majesty the Queen in Right of Ontario

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NAMES OF COUNSEL AND OTHER PARTIES:

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ENDORSEMENT OF OSBORNE J. :

[1] Four motions were before me today:

- a. a motion by each of Meridian and the Province of Ontario to strike the Notice of Application in CV-21-00661967-0000 and dismissing that application, or in the alternative converting it into an action;
- b. a motion by Zeifman in its capacity as Receiver for approving its activities as set out in the 9th Report dated June 10, 2022 and discharging the Receiver upon the filing of a Certificate and on the terms set out in the draft order; and
- c. a motion by Ontario for an order transferring the application CV-21-00661967-0000 to the Commercial List.

[2] The receivership proceeding is already pending on the Commercial List; the application proceeding was commenced on the general list.

[3] Mr. MacFarlane advises as agent for counsel for NOTL that it intends to bring a companion motion to strike as Meridian and Ontario have done.

[4] These matters were before me two days ago on August 8, and I adjourned Ontario's motion to strike and directed that all of these matters be considered together at least for today since the other motions were already scheduled to be addressed today.

[5] Counsel are all in agreement that the two motions to strike [apparently soon to be three motions] should proceed together and at the same time. They do not agree on whether those motions should proceed on the Commercial List.

[6] Counsel are also in agreement that Ontario's motion to transfer the application to the Commercial List should be adjourned to allow the Applicants in that proceeding and the Interested Parties in the receivership proceeding an opportunity to file responding materials.


[7] Finally, counsel are in agreement that Ontario's motion to transfer the application to the Commercial list should be heard before the motions to strike can proceed.

[8] Ontario's motion to transfer the application to the Commercial List is adjourned to be heard by Justice McEwen of the Commercial List on September 22, 2022 at 12:30 PM. All counsel are available on that date.

[9] The motions to strike of Meridian and Ontario are adjourned to a date to be fixed following the transfer motion.

[10] The motion of the Receiver for approval of its activities as set out in the 9th Report, and for the discharge of the Receiver upon the filing of a Certificate and the conclusion of outstanding motions for leave and underlying appeals if any have been determined or resolved, proceeds on the consent of all parties.

[11] I am satisfied on the basis of the material filed and in particular the activities of the Receiver as more fully described in the 9th Report that the relief sought is appropriate. Order to go in the form signed by me today which is effective without the necessity of issuing and entering.

A handwritten signature in black ink, appearing to read "McEwen, J.", is located at the bottom right of the page.