

Court File No. CV-18-596938-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Applicant

- and -

**APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

Respondent

**THIRD REPORT OF THE RECEIVER AND LIQUIDATOR OF  
APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

**December 23, 2020**

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## I. INTRODUCTION

1. By Order of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) dated July 5, 2018 (the “**Appointment Order**”), RSM Canada Limited (“**RSM**”) was appointed receiver and liquidator (the “**Receiver**”), without security, of all of the assets, undertakings and properties of Apartments for Living for Physically Handicapped Association (“**ALPHA**”) including all proceeds thereof (the “**Property**”) for the purpose of winding up ALPHA’s affairs and distributing its property. A copy of the Appointment Order is attached to this report as **Appendix “A”**.
2. At the time of the appointment of the Receiver, the principal asset owned by ALPHA was a one-storey, 13-unit apartment complex located at 3185 Forest Glade Drive, Windsor, Ontario (the “**Windsor Property**”) from which ALPHA had formerly operated its facility. On November 8, 2018, the Receiver brought a motion, returnable on November 14, 2018, for the purpose of, among other things, seeking approval of the sale of the Windsor Property. A copy of the Receiver’s First Report to the Court dated November 8, 2018 (“**First Report**”), filed in support of the Receiver’s November 14, 2018 motion, is attached hereto (without appendices) as **Appendix “B”**.
3. On November 14, 2018, Justice Wilton-Siegel granted an Approval and Vesting Order in respect of the sale of the Windsor Property (the “**Approval and Vesting Order**”) together with an order granting certain ancillary relief (the “**November 14 Ancillary Order**”). Copies of the Approval and Vesting Order, November 14

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Ancillary Order and Justice Wilton-Siegel's November 14, 2018 Endorsement are attached to this report as **Appendices "C"** and **"D"** and **"E"**, respectively.

4. On September 4, 2019, the Receiver brought a motion, returnable on September 19, 2019, for the purpose of, among other things, seeking authorization for the Receiver to conduct a claims process (the **"Claims Process"**) consistent with that which is set out in its second report to the Court dated September 4, 2019 (the **"Second Report"**). A copy of the Second Report is attached hereto (without appendices) as **Appendix "F"**.
5. On September 19, 2019, Justice Hainey granted the Claims Process Order authorizing and directing the Receiver to conduct the Claims Process, together with an order granting certain ancillary relief (the **"September 19 Ancillary Order"**). Copies of the Claims Process Order and September 19 Ancillary Order are attached hereto as **Appendices "G"** and **"H"**, respectively.
6. The First Report, the Second Report and the orders referred to in this report, together with related Court documents, have been posted on the Receiver's website, which can be found at [rsmcanada.com/alpha](http://rsmcanada.com/alpha).

### **Purpose of Third Report**

7. The purpose of this third report of the Receiver (the **"Third Report"**) is to:
  - (a) report to the Court on the activities of the Receiver since the date of the Second Report;
  - (b) provide the Court with information on the claims process (the **"Claims Process"**) conducted by the Receiver and the results of the Receiver's review of the claims received;

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- (c) provide the Court with a summary of the Receiver's cash receipts and disbursements for the period July 5, 2018 to December 22, 2020 (the "R&D"); and
- (d) seek orders:
- i. authorizing the Receiver to accept the claim of Canada Mortgage and Housing Corporation ("CMHC") in the amount of the Adjusted CMHC Discharge Amount (as herein defined) in respect of the first mortgage it held over the Windsor Property prior to the sale of the Windsor Property and authorizing the Receiver to pay CMHC that amount provided that such amount does not exceed \$525,000;
  - ii. approving the Third Report and the Receiver's conduct and activities described herein;
  - iii. approving the R&D;
  - iv. approving the fees and disbursements of the Receiver for the period August 1, 2019 to November 30, 2020; and
  - v. approving the fees and disbursements of the Receiver's legal counsel, Torkin Manes LLP ("Torkin"), for the period August 1, 2019 to November 30, 2020.

### **Terms of Reference**

8. In preparing this Third Report and making the comments herein, the Receiver has relied upon information from third-party sources (collectively, the "Information"). Certain of the information contained in this Third Report may refer to, or is based

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on, the Information. As the Information has been provided by other parties, or obtained from documents filed with the Court in this matter, the Receiver has relied on the Information and, to the extent possible, reviewed the Information for reasonableness. However, the Receiver has not audited or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards pursuant to the CPA Canada Handbook and, accordingly, the Receiver expresses no opinion or other form of assurance in respect of the Information.

9. Defined terms in the Third Report have, unless indicated otherwise herein, the same meanings as set out in the First Report and the Second Report.
10. Unless otherwise stated, all dollar amounts contained in the Third Report are expressed in Canadian dollars.

## II. BACKGROUND AND APPOINTMENT OF RECEIVER

11. ALPHA is a corporation without share capital formed in 1971 under the Corporations Act for the purpose of operating a social housing project (the “**ALPHA Housing Project**”) and providing an attendant care program to assist low and moderate income special needs individuals in performing the activities of daily living. ALPHA operated the ALPHA Housing Project at the Windsor Property.
12. In 1994, ALPHA announced that it was terminating its attendant care program for residents at the ALPHA Housing Project, that ALPHA intended to cease operations and that it had been unable to make arrangements for a replacement care provider. As a result, in March 1994, the Ministry of Health and Long-Term Care

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- (“**MOHLTC**”) assumed control of the affairs of ALPHA and the ALPHA Housing Project.
13. In 2012, MOHLTC determined that the Windsor Property was no longer suitable for the purposes of the ALPHA Housing Project. As a result, ALPHA’s residents were moved into alternative accommodations, ALPHA and the ALPHA Housing Project ceased business operations, and the Windsor Property was vacated.
  14. Throughout the period since the cessation of ALPHA’s business operations, the Applicant, Her Majesty the Queen in Right of Ontario (the “**Province**”), continued to fund ALPHA’s ongoing liabilities and expenses, including payments due under ALPHA’s mortgage with CMHC and maintenance costs associated with the upkeep of the Windsor Property.
  15. As the Applicant no longer wished to continue to fund payment of ALPHA’s ongoing liabilities and expenses, and for other reasons, the Applicant sought an order seeking the appointment of a receiver and liquidator to: (i) sell the Windsor Property and apply the proceeds of sale, together with any realizations from ALPHA’s other assets, to the repayment of ALPHA’s liabilities; and (ii) to wind up ALPHA.
  16. As referenced previously, the Appointment Order, in which RSM was appointed as the Receiver of ALPHA, was granted on July 5, 2018.
  17. As at the date of the Receiver’s appointment, ALPHA carried on no active business and had no employees, and the Windsor Property was vacant.
  18. ALPHA’s assets were, at the time of the Receiver’s appointment, comprised of the Windsor Property, cash and investments.



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### III. CLAIMS PROCESS

19. In accordance with the claims procedure set out in the Second Report, the Receiver:
- i) sent a copy of the notice of the Receiver's appointment (the "**Notice**") and the Claims Procedure Order to all known creditors of ALPHA;
  - ii) caused to be published in the National Post and the Windsor Star (the "**Post and Star Notices**") on September 26, 2019, a notice of its appointment as Receiver and the requirement for creditors of ALPHA to assert any claims and send to the Receiver a proof of claim against ALPHA on or before 5:00 p.m. on October 29, 2019 (the "**Claims Bar Date**"); and
  - iii) posted copies of the Notice and Claims Procedure Order on the Receiver's website;
20. Copies of the Notice and the Post and Star Notices are attached hereto as **Appendices "I" and "J"**, respectively.

### IV. CLAIMS AGAINST ALPHA

21. As of the Claims Bar Date, the Receiver received two proofs of claim against ALPHA as summarized below.

#### CRA

22. In the Second Report, the Receiver reported that it had filed the corporate income tax returns for ALPHA for the taxation years 2008 to 2018 and that, based on the returns filed, the estimated tax liability was \$318.00. On September 20, 2019, Canada Revenue Agency ("**CRA**") issued a notice assessing ALPHA for unpaid

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corporate income taxes of \$6,983.26, a large part of which is comprised of penalties and interest.

23. CRA filed an unsecured claim for \$6,983.26 in respect of outstanding income taxes of \$3,412.00 plus penalty and interest of \$3,571.26 as of September 18, 2019.
24. The Receiver filed the return for the 2019 taxation year and received from CRA a notice of assessment advising that the balance owed was \$7,162.11 as of February 21, 2020 (the “**CRA Notice**”). The Receiver subsequently filed the return for the 2020 taxation year and received from CRA a notice of assessment. On October 13, 2020, CRA filed an amended proof of claim advising that the balance owed was \$7,200.58 as of October 13, 2020 (the “**CRA Claim**”). While no additional taxes were assessed, the increased claim amounts were the result of additional interest which accrued on the outstanding balance. Copies of the CRA Notice and CRA Claim are attached hereto as **Appendix “K”**.
25. The Receiver proposes to admit the CRA Claim and to pay to CRA the \$7,200.58, plus additional interest which may accrue on that balance at such time as the Receiver makes payments to ALPHA’s unsecured creditors.

**Her Majesty the Queen in Right of Ontario**

26. The Province filed an unsecured claim for \$239,600 and accrued interest in respect of funding advanced to ALPHA for specific capital improvements (the “**Provincial Funding**”) that was not spent by ALPHA.
27. In response to the Receiver’s request, the Province has not been able to locate a supporting agreement that stipulates that any funds provided to ALPHA that were not used by ALPHA are to be returned to it. The Province has indicated to the

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Receiver that, in the absence of an agreement between the Province and ALPHA, the Province's claim is made on the basis of a claim for unjust enrichment, as ALPHA has been unjustly enriched through its retention of the Provincial Funding and accrued interest thereon, and that the unused funds form a debt to Ontario.

28. The Receiver has confirmed that the Provincial Funding was received by ALPHA in March 2012. While the books and records of ALPHA indicate that only \$229,532.77 of the Provincial Funding remained as of June 30, 2018, the Receiver proposes to admit the Province's claim in the amount filed of \$239,600 as the Ministry informed the Receiver that no funds were ever repaid by ALPHA.
29. In its original claim filed, the Province did not quantify the amount that it was claiming in respect of accrued interest. The Receiver requested that the Province advise the Receiver of the amount of interest claimed and the basis of the claim and, if the information was not provided, the Receiver would proceed to disallow that portion of the Province's claim.
30. The Province has subsequently advised the Receiver that it claims interest equal to the amount of interest that would have been earned by the Receiver on its advance. At this time, the Ministry and the Receiver have agreed that the amount of interest is equal to \$5,730.86.

#### **CMHC**

31. Pursuant to the Claims Process Order, CMHC was not required to file a proof of claim in respect of the amount owed to CMHC by ALPHA under CMHC's mortgage over the Windsor Property (the "**CMHC Mortgage**"). CMHC has provided to the Receiver a Statement of Account for payment in full of the CMHC Mortgage

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indicating that the total amount due and payable as of December 1, 2020 is \$512,169.44 (the “**Discharge Statement**”). A copy of the Discharge Statement is attached hereto as **Appendix “L”**.

32. The Discharge Statement sets out the following amounts owing by ALPHA:
- i) principal and interest due and payable as at December 1, 2020 of \$376,280.23;
  - ii) unearned Capital Contribution of \$12,787.59;
  - iii) a Prepayment Penalty of \$124,024.00; and
  - iv) electronic registration charge of \$77.62; plus
  - v) per diem interest at a rate of \$79.60.

The sum of the above amounts is equal to \$513,169.44 which is \$1,000 higher than the total listed on the Discharge Statement. The Receiver will, as required, clarify whether it is the total, or one of the components above, that is recorded incorrectly.

33. With reference to the Unearned Capital Contribution and the Prepayment Penalty, the Ministry of Municipal Affairs and Housing (“**MMAH**”), which is the provincial contact for the CMHC Mortgage, has set out CMHC’s position with respect to the amounts claimed as follows:
- i) Unearned Capital Contribution

The “Unearned Capital Contribution” portion of the CMHC claim refers to amounts which CMHC would elect to forgive, namely \$79,098.70 of the \$790,987.00 loan amount at a rate of \$1,581.97 per year (\$131.83 per month), leaving \$711,888.30 as repayable, should the loan payments

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continue to be made consistent with the amortization until maturity. The agreements between ALPHA and CMHC do not require any reduction to the ordinary amortization of the ALPHA mortgage indebtedness and the Receiver is satisfied with the basis stated by CMHC for such amounts being recoverable namely, that such reductions were a gratuitous benefit conferred upon ALPHA conditional upon the loan continuing to maturity; and

ii) Prepayment Penalty

The language outlining prepayment eligibility is struck from the mortgage documents, thus indicating that the loan is closed to prepayment and thus a penalty must be applied if the mortgage is paid out early. As the mortgage documents do not provide a formula for prepayment, all the principal and interest due as if the mortgage was fully matured, less what the mortgagee has already paid, would be due and payable at prepayment. MMAH has advised the Receiver as to the method of calculating the prepayment penalty as being based on the interest rate differential between the loan/mortgage rate and interest rates which could have been obtained if the funds received from the prepayment were invested at the Government of Canada bond yields for the length of the prepayment period.

34. The Receiver has reviewed the claim filed by CMHC and the explanations provided by MMAH and is prepared on the basis of such explanations to recommend that this Honourable Court approve CMHC's claim.
35. CMHC has advised that it will be unable to provide an updated discharge statement to January 4, 2021 on or before the scheduled hearing date for this

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motion of January 4, 2021. Having regard to the interest payable in connection with the CMHC Mortgage and the December 1, 2020 Discharge Statement amount, the Receiver estimates the discharge amount on or about January 4, 2021 of the CMHC Mortgage as being in the range of between \$500,000 and \$514,000 (the “**Adjusted CMHC Discharge Amount**”).

36. The Receiver received an opinion from Torkin (“**Opinion on CMHC Security**”) that subject to the qualifications referenced in the opinion, the CMHC Mortgage has been validly registered and constitutes a valid and binding obligation of ALPHA in favour of CMHC and is enforceable by CMHC in accordance with its mortgage terms against the Receiver. A copy of the Opinion on CMHC Security is attached hereto as **Appendix “M”**.
37. The Receiver therefore requests that it be authorized to pay to CMHC the Adjusted CMHC Discharge Amount upon receiving confirmation from CMHC as to its calculation of the amount payable as of January 4, 2021 and provided that such amount does not exceed \$525,000.

#### **V. RECEIVER’S INTERIM STATEMENT OF RECEIPTS AND DISBURSEMENTS**

38. Attached to this report as **Appendix “N”** is the R&D. During this period, receipts were \$1,235,254 while disbursements were \$430,147, resulting in a net cash surplus of \$805,107.

#### **VI. PROPOSED DISTRIBUTION**

39. As set out above, the excess of the Receiver’s receipts over disbursements as at December 22, 2020 is \$805,107. At this time, the Receiver is seeking an Order

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authorizing the Receiver to distribute the Adjusted CMHC Discharge Amount to CMHC provided that such amount does not exceed \$525,000.

40. On December 19, 2020, counsel for the Province advised the Receiver that the preference of the Province would be that ALPHA be formally wound up and dissolved. The Receiver is currently investigating the most cost-efficient means of accomplishing this request. It is the Receiver's intention to return to Court to seek such further authorizations as may be necessary to effect the wind-up and dissolution of ALPHA. In addition, the Receiver will apply to Court for an Order(s) authorizing distribution of the "unsecured" claims of the Province and CRA, as well as for the Receiver's discharge.

## VII. PROFESSIONAL FEES

41. The Receiver's accounts total \$48,248.00 in fees, \$22.70 in disbursements plus HST of \$6,275.22 for a total amount of \$54,545.92 for the period August 1, 2019 to November 30, 2020 (the "**Receiver's Accounts**"). Copies of the Receiver's Accounts, setting out the total billable hours charged per the accounts, are attached to the Affidavit of Daniel Weisz sworn December 23, 2020 that is attached to this report as **Appendix "O"**.
42. The accounts of the Receiver's counsel, Torkin, total \$19,623.86 in fees and disbursements and \$2,506.95 in HST for a total of \$22,130.81 (the "**Torkin Accounts**") for the period August 1, 2019 to November 30, 2020. A copy of the Torkin Accounts, together with a summary of the personnel, hours and hourly rates described in the Torkin Accounts, supported by the Affidavit of S. Fay Sulley sworn December 23, 2020 is attached to this report as **Appendix "P"**.

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**VIII. CONCLUSION**

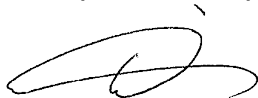
43. The Receiver respectfully requests that the Court grant an Order which provides for the following:

- (i) authorizing the Receiver to pay to CMHC the Adjusted CMHC Discharge Amount provided that such amount does not exceed \$525,000;
- (ii) approving the Third Report and the Receiver's conduct and activities described herein;
- (iii) approving the R&D;
- (iv) approving the Receiver's Accounts; and
- (v) approving the Torkin Accounts.

All of which is respectfully submitted to this Court as of this 23<sup>rd</sup> day of December, 2020.

**RSM CANADA LIMITED**

In its capacity as Court Appointed Receiver and Liquidator of  
Apartments for Living for Physically Handicapped Association  
and not in its personal capacity



Per: Daniel Weisz, CPA, CA, CFF, CIRP, LIT  
Senior Vice President



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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THURSDAY, THE 5<sup>TH</sup>

DAY OF JULY, 2018

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Applicant

- and -

**APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION**

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A  
RECEIVER AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c.C.43

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**ORDER**

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THIS APPLICATION made by the Applicant, Her Majesty the Queen in right of Ontario (“**Ontario**”), for an Order winding up Apartments For Living For Physically Handicapped Association (“**ALPHA**”) pursuant to section 243(d) of the *Corporations Act*, R.S.O. 1990, c. C. 38, as amended (the “*Corporations Act*”) and appointing RSM Canada Limited as receiver and liquidator, without security, of all of the assets, undertakings and properties of ALPHA pursuant to section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended, and section 246(1) of the *Corporations Act*, for the purpose of winding up ALPHA’s affairs and distributing its property (in such capacities, the “**Receiver**”), was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the affidavit of Miriam Johnston, sworn April 12, 2018, and the Exhibits thereto, and on hearing the submissions of counsel for Ontario, no one appearing for ALPHA on whom service of the Application Record was attempted on May 25, 2018 but whose address was found closed and vacant according to the Affidavit of Ernest Holden, sworn May 26, 2018, and on reading the consent of RSM Canada Limited to act as the Receiver,

### **SERVICE**

1. **THIS COURT ORDERS** that the time for service of the Applicant's Application Record, Factum and Book of Authorities is hereby validated so that this Application is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT DECLARES** that ALPHA is a corporation governed by the *Corporations Act* and that it is just and equitable that ALPHA be wound up by this Court under the provisions of the *Corporations Act*.

### **WINDING UP & APPOINTMENT OF RECEIVER**

3. **THIS COURT ORDERS** that pursuant to sections 243(d) and 245 of the *Corporations Act*, ALPHA be wound-up in accordance with the terms of this Order.
4. **THIS COURT ORDERS** that pursuant to section 246(1) of the *Corporations Act* and section 101 of the *Courts of Justice Act*, RSM Canada Limited is hereby appointed receiver and liquidator, without security, of all of the assets, undertakings and properties of ALPHA, including all proceeds thereof (the "**Property**") for the purpose of winding up ALPHA's affairs and distributing its Property.

### **RECEIVER'S POWERS**

5. **THIS COURT ORDERS** that the Receiver is hereby empowered and authorized, but not obligated, to act at once in respect of the Property and, without in any way limiting the generality of the foregoing, the Receiver is hereby expressly empowered and authorized to do any of the following where the Receiver considers it necessary or desirable:

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- (a) to take possession of and exercise control over the Property and any and all proceeds, receipts and disbursements arising out of or from the Property;
- (b) to receive, preserve, and protect the Property, or any part or parts thereof, including, but not limited to, the changing of locks and security codes, the relocating of Property to safeguard it, the engaging of independent security personnel, the taking of physical inventories and the placement of such insurance coverage as may be necessary or desirable;
- (c) to manage, operate, and carry on the business of ALPHA, including the powers to enter into any agreements, incur any obligations in the ordinary course of business, cease to carry on all or any part of the business, or cease to perform any contracts of ALPHA;
- (d) to engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the Receiver's powers and duties, including without limitation those conferred by this Order;
- (e) to purchase or lease such machinery, equipment, inventories, supplies, premises or other assets to continue the business of ALPHA or any part or parts thereof;
- (f) to receive and collect all monies and accounts now owed or hereafter owing to ALPHA and to exercise all remedies of ALPHA in collecting such monies, including, without limitation, to enforce any security held by ALPHA;
- (g) to settle, extend or compromise any indebtedness owing to ALPHA;

- (h) to execute, assign, issue and endorse documents of whatever nature in respect of any of the Property, whether in the Receiver's name or in the name and on behalf of ALPHA, for any purpose pursuant to this Order;
- (i) to initiate, prosecute and continue the prosecution of any and all proceedings and to defend all proceedings now pending or hereafter instituted with respect to ALPHA, the Property or the Receiver, and to settle or compromise any such proceedings. The authority hereby conveyed shall extend to such appeals or applications for judicial review in respect of any order or judgment pronounced in any such proceeding;
- (j) to market any or all of the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver in its discretion may deem appropriate;
- (k) to sell, convey, transfer, lease or assign the Property or any part or parts thereof out of the ordinary course of business,
  - (i) without the approval of this Court in respect of any transaction not exceeding \$100,000 provided that the aggregate consideration for all such transactions does not exceed \$250,000; and
  - (ii) with the approval of this Court in respect of any transaction in which the purchase price or the aggregate purchase price exceeds the applicable amount set out in the preceding clause;and in each such case notice under subsection 63(4) of the Ontario *Personal Property Security Act* shall not be required, and in each case the Ontario *Bulk Sales Act* shall not apply;
- (l) to apply for any vesting order or other orders necessary to convey the Property or any part or parts thereof to a purchaser or purchasers thereof, free and clear of any liens or encumbrances affecting such Property;

- (m) to report to, meet with and discuss with such affected Persons (as defined below) as the Receiver deems appropriate on all matters relating to the Property and the receivership and liquidation, and to share information, subject to such terms as to confidentiality as the Receiver deems advisable;
- (n) to register a copy of this Order and any other Orders in respect of the Property against title to any of the Property;
- (o) to apply for any permits, licences, approvals or permissions as may be required by any governmental authority and any renewals thereof for and on behalf of and, if thought desirable by the Receiver, in the name of ALPHA; and,
- (p) to take any steps reasonably incidental to the exercise of these powers or the performance of any statutory obligations,

and in each case where the Receiver takes any such actions or steps, it shall be exclusively authorized and empowered to do so, to the exclusion of all other Persons (as defined below), including ALPHA, and without interference from any other Person.

#### **DUTY TO PROVIDE ACCESS AND CO-OPERATION TO THE RECEIVER**

6. **THIS COURT ORDERS** that (i) ALPHA, (ii) all of its current and former directors, officers, employees, agents, accountants, legal counsel and shareholders, and all other persons acting on its instructions or behalf, and (iii) all other individuals, firms, corporations, governmental bodies or agencies, or other entities having notice of this Order (all of the foregoing, collectively, being "**Persons**" and each being a "**Person**") shall forthwith advise the Receiver of the existence of any Property in such Person's possession or control, shall grant immediate and continued access to the Property to the Receiver, and shall deliver all such Property to the Receiver upon the Receiver's request.

7. **THIS COURT ORDERS** that all Persons shall forthwith advise the Receiver of the existence of any books, documents, securities, contracts, orders, corporate and accounting

records, and any other papers, records and information of any kind related to the business or affairs of ALPHA, and any computer programs, computer tapes, computer disks, or other data storage media containing any such information (the foregoing, collectively, the "**Records**") in that Person's possession or control, and shall provide to the Receiver or permit the Receiver to make, retain and take away copies thereof and grant to the Receiver unfettered access to and use of accounting, computer, software and physical facilities relating thereto, provided however that nothing in this paragraph 7 or in paragraph 8 of this Order shall require the delivery of Records, or the granting of access to Records, which may not be disclosed or provided to the Receiver due to the privilege attaching to solicitor-client communication or due to statutory provisions prohibiting such disclosure.

8. **THIS COURT ORDERS** that if any Records are stored or otherwise contained on a computer or other electronic system of information storage, whether by independent service provider or otherwise, all Persons in possession or control of such Records shall forthwith give unfettered access to the Receiver for the purpose of allowing the Receiver to recover and fully copy all of the information contained therein whether by way of printing the information onto paper or making copies of computer disks or such other manner of retrieving and copying the information as the Receiver in its discretion deems expedient, and shall not alter, erase or destroy any Records without the prior written consent of the Receiver. Further, for the purposes of this paragraph, all Persons shall provide the Receiver with all such assistance in gaining immediate access to the information in the Records as the Receiver may in its discretion require including providing the Receiver with instructions on the use of any computer or other system and providing the Receiver with any and all access codes, account names and account numbers that may be required to gain access to the information.

#### **NO PROCEEDINGS AGAINST THE RECEIVER**

9. **THIS COURT ORDERS** that no proceeding or enforcement process in any court or tribunal (each, a "**Proceeding**"), shall be commenced or continued against the Receiver except with the written consent of the Receiver or with leave of this Court.

**NO PROCEEDINGS AGAINST ALPHA OR THE PROPERTY**

10. **THIS COURT ORDERS** that no Proceeding against or in respect of ALPHA or the Property shall be commenced or continued except with the written consent of the Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of ALPHA or the Property are hereby stayed and suspended pending further Order of this Court.

**NO EXERCISE OF RIGHTS OR REMEDIES**

11. **THIS COURT ORDERS** that all rights and remedies against ALPHA, the Receiver, or affecting the Property, are hereby stayed and suspended except with the written consent of the Receiver or leave of this Court, provided however that this stay and suspension does not apply in respect of any "eligible financial contract" as defined in the BIA, and further provided that nothing in this paragraph shall (i) empower the Receiver or ALPHA to carry on any business which ALPHA is not lawfully entitled to carry on, (ii) exempt the Receiver or ALPHA from compliance with statutory or regulatory provisions relating to health, safety or the environment, (iii) prevent the filing of any registration to preserve or perfect a security interest, or (iv) prevent the registration of a claim for lien.

**NO INTERFERENCE WITH THE RECEIVER**

12. **THIS COURT ORDERS** that no Person shall discontinue, fail to honour, alter, interfere with, repudiate, terminate or cease to perform any right, renewal right, contract, agreement, licence or permit in favour of or held by ALPHA, without written consent of the Receiver or leave of this Court.

**CONTINUATION OF SERVICES**

13. **THIS COURT ORDERS** that all Persons having oral or written agreements with ALPHA or statutory or regulatory mandates for the supply of goods and/or services, including without limitation, all computer software, communication and other data services, centralized banking services, payroll services, insurance, transportation services, utility or other services to ALPHA are hereby restrained until further Order of this Court from discontinuing, altering, interfering with or terminating the supply of such goods or services as may be required by the Receiver, and that the Receiver shall be entitled to the continued use of ALPHA's current



telephone numbers, facsimile numbers, internet addresses and domain names, provided in each case that the normal prices or charges for all such goods or services received after the date of this Order are paid by the Receiver in accordance with normal payment practices of ALPHA or such other practices as may be agreed upon by the supplier or service provider and the Receiver, or as may be ordered by this Court.

#### **RECEIVER TO HOLD FUNDS**

14. **THIS COURT ORDERS** that all funds, monies, cheques, instruments, and other forms of payments received or collected by the Receiver from and after the making of this Order from any source whatsoever, including without limitation the sale of all or any of the Property and the collection of any accounts receivable in whole or in part, whether in existence on the date of this Order or hereafter coming into existence, shall be deposited into one or more new accounts to be opened by the Receiver (the "**Receivership Accounts**") and the monies standing to the credit of such Receivership Accounts from time to time, net of any disbursements provided for herein, shall be held by the Receiver to be paid in accordance with the terms of this Order or any further Order of this Court.

#### **PIPEDA**

15. **THIS COURT ORDERS** that, pursuant to clause 7(3)(c) of the Canada *Personal Information Protection and Electronic Documents Act*, the Receiver shall disclose personal information of identifiable individuals to prospective purchasers or bidders for the Property and to their advisors, but only to the extent desirable or required to negotiate and attempt to complete one or more sales of the Property (each, a "Sale"). Each prospective purchaser or bidder to whom such personal information is disclosed shall maintain and protect the privacy of such information and limit the use of such information to its evaluation of the Sale, and if it does not complete a Sale, shall return all such information to the Receiver, or in the alternative destroy all such information. The purchaser of any Property shall be entitled to continue to use the personal information provided to it, and related to the Property purchased, in a manner which is in all material respects identical to the prior use of such information by ALPHA, and shall return all other personal information to the Receiver, or ensure that all other personal information is destroyed.

### LIMITATION ON ENVIRONMENTAL LIABILITIES

16. **THIS COURT ORDERS** that nothing herein contained shall require the Receiver to occupy or to take control, care, charge, possession or management (separately and/or collectively, "Possession") of any of the Property that might be environmentally contaminated, might be a pollutant or a contaminant, or might cause or contribute to a spill, discharge, release or deposit of a substance contrary to any federal, provincial or other law respecting the protection, conservation, enhancement, remediation or rehabilitation of the environment or relating to the disposal of waste or other contamination including, without limitation, the *Canadian Environmental Protection Act*, the *Ontario Environmental Protection Act*, the *Ontario Water Resources Act*, or the *Ontario Occupational Health and Safety Act* and regulations thereunder (the "Environmental Legislation"), provided however that nothing herein shall exempt the Receiver from any duty to report or make disclosure imposed by applicable Environmental Legislation. The Receiver shall not, as a result of this Order or anything done in pursuance of the Receiver's duties and powers under this Order, be deemed to be in Possession of any of the Property within the meaning of any Environmental Legislation, unless it is actually in possession.

### LIMITATION ON THE RECEIVER'S LIABILITY

17. **THIS COURT ORDERS** that the Receiver shall incur no liability or obligation as a result of its appointment or the carrying out the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part, or in respect of its obligations under sections 81.4(5) or 81.6(3) of the BIA or under the *Wage Earner Protection Program Act*. Nothing in this Order shall derogate from the protections afforded the Receiver by section 14.06 of the BIA or by any other applicable legislation.

### RECEIVER'S ACCOUNTS

18. **THIS COURT ORDERS** that the Receiver and counsel to the Receiver shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts, and that the Receiver and counsel to the Receiver shall be entitled to and are hereby granted a charge on the Property, as security for such fees and disbursements, both before and after the making of this Order in respect of these

proceedings, and that the Receiver's Charge shall form a first charge on the Property in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person (the "**Receiver's Charge**").

19. **THIS COURT ORDERS** that the Receiver and its legal counsel shall pass its accounts from time to time, and for this purpose the accounts of the Receiver and its legal counsel are hereby referred to a judge of the Commercial List of the Ontario Superior Court of Justice.

20. **THIS COURT ORDERS** that prior to the passing of its accounts, the Receiver shall be at liberty from time to time to apply reasonable amounts, out of the monies in its hands, against its fees and disbursements, including legal fees and disbursements, incurred at the standard rates and charges of the Receiver or its counsel, and such amounts shall constitute advances against its remuneration and disbursements when and as approved by this Court.

#### **FUNDING OF THE RECEIVERSHIP AND LIQUIDATION**

21. **THIS COURT ORDERS** that the Receiver be at liberty and it is hereby empowered to borrow by way of a revolving credit or otherwise, such monies from time to time as it may consider necessary or desirable, provided that the outstanding principal amount does not exceed \$250,000 (or such other amount as this Court may by further Order authorize) at any time, at such rate or rates of interest as it deems advisable for such period or periods of time as it may arrange, for the purpose of funding the exercise of the powers and duties conferred upon the Receiver by this Order, including interim expenditures. The whole of the Property shall be and is hereby charged by way of a fixed and specific charge (the "**Receiver's Borrowings Charge**") as security for the payment of the monies borrowed, together with interest and charges thereon, in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person, but subordinate in priority to the Receiver's Charge.

22. **THIS COURT ORDERS** that neither the Receiver's Borrowings Charge nor any other security granted by the Receiver in connection with its borrowings under this Order shall be enforced without leave of this Court.

23. **THIS COURT ORDERS** that the Receiver is at liberty and authorized to issue certificates substantially in the form annexed as Schedule "A" hereto (the "**Receiver's Certificates**") for any amount borrowed by it pursuant to this Order.

24. **THIS COURT ORDERS** that the monies from time to time borrowed by the Receiver pursuant to this Order or any further order of this Court and any and all Receiver's Certificates evidencing the same or any part thereof shall rank on a *pari passu* basis, unless otherwise agreed to by the holders of any prior issued Receiver's Certificates.

#### **GENERAL**

25. **THIS COURT ORDERS** that the Receiver is at liberty to serve or distribute this Order, any other materials and orders in these proceedings, any notices or other correspondence, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or facsimile transmission to ALPHA's creditors or other interested parties at their respective addresses as last shown on the records of ALPHA and that any such service or distribution by courier, personal delivery or facsimile transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing.

26. **THIS COURT ORDERS** that the Receiver may from time to time apply to this Court for advice and directions in the discharge of its powers and duties hereunder.

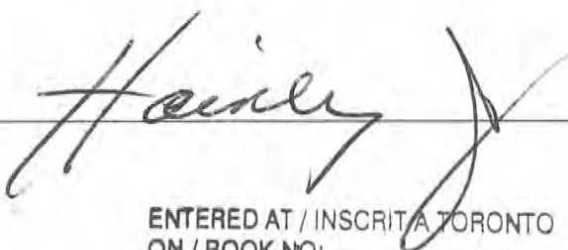
27. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

28. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and

that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

29. **THIS COURT ORDERS** that the Applicant shall have its costs of this application, up to and including entry and service of this Order, provided for by the terms of the Applicant's security or, if not so provided by the Applicant's security, then on a substantial indemnity basis to be paid by the Receiver from ALPHA's estate with such priority and at such time as this Court may determine.

30. **THIS COURT ORDERS** that any interested party may apply to this Court to vary or amend this Order on not less than seven (7) days' notice to the Receiver and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order.



A handwritten signature in black ink, appearing to read "Hainley", is written over a horizontal line. The signature is stylized and cursive.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

JUL 05 2018

PER / PAR:



Handwritten initials in blue ink, possibly "RL", written next to the "PER / PAR:" label.

**SCHEDULE "A"****RECEIVER'S CERTIFICATE**

CERTIFICATE NO. \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

1. **THIS IS TO CERTIFY** that RSM Canada Limited, the receiver and liquidator ("**Receiver**") of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("**ALPHA**") acquired for, or used in relation to a business carried on by ALPHA, including all proceeds thereof (collectively, the "**Property**") appointed by Order of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated the 5<sup>th</sup> day of July, 2018 (the "**Order**") made in an application having Court file number CV-18-596938-CL, has received as such Receiver from the holder of this certificate (the "**Lender**") the principal sum of \$ \_\_\_\_\_, being part of the total principal sum of \$ \_\_\_\_\_ which the Receiver is authorized to borrow under and pursuant to the Order.

2. The principal sum evidenced by this certificate is payable on demand by the Lender with interest thereon calculated and compounded [daily][monthly not in advance on the \_\_\_\_\_ day of each month] after the date hereof at a notional rate per annum equal to the rate of \_\_\_\_\_ per cent above the prime commercial lending rate of Bank of \_\_\_\_\_ from time to time.

3. Such principal sum with interest thereon is, by the terms of the Order, together with the principal sums and interest thereon of all other certificates issued by the Receiver pursuant to the Order or to any further order of the Court, a charge upon the whole of the Property, in priority to the security interests of any other person, but subject to the priority of the charges set out in the Order and in the *Bankruptcy and Insolvency Act*, and the right of the Receiver to indemnify itself out of such Property in respect of its remuneration and expenses.

4. All sums payable in respect of principal and interest under this certificate are payable at the main office of the Lender at Toronto, Ontario.

5. Until all liability in respect of this certificate has been terminated, no certificates creating charges ranking or purporting to rank in priority to this certificate shall be issued by the Receiver

to any person other than the holder of this certificate without the prior written consent of the holder of this certificate.

6. The charge securing this certificate shall operate so as to permit the Receiver to deal with the Property as authorized by the Order and as authorized by any further or other order of the Court.

7. The Receiver does not undertake, and it is not under any personal liability, to pay any sum in respect of which it may issue certificates under the terms of the Order.

DATED the \_\_\_\_ day of \_\_\_\_\_, 2018.

RSM Canada Limited, solely in its capacity  
as Receiver of the Property, and not in its  
personal capacity

Per: \_\_\_\_\_

Name: Daniel Weisz

Title: Senior Vice-President

**HER MAJESTY THE QUEEN IN RIGHT  
OF ONTARIO**

- v -

**APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

Applicant

Respondent

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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)**

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**ORDER**

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**ATTORNEY GENERAL FOR ONTARIO**

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Lawyers for the Applicant,  
Her Majesty the Queen in right of Ontario

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B

Court File No. CV-18-596938-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Applicant

- and -

**APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

Respondent

**FIRST REPORT OF THE RECEIVER AND LIQUIDATOR OF  
APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

**November 8, 2018**

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## I. INTRODUCTION

1. By Order of the Ontario Superior Court of Justice (Commercial List) ("**Court**") dated July 5, 2018 (the "**Appointment Order**"), RSM Canada Limited ("**RSM**") was appointed receiver and liquidator (the "**Receiver**"), without security, of all of the assets, undertakings and properties of Apartments for Living for Physically Handicapped Association ("**ALPHA**") including all proceeds thereof (the "**Property**") for the purpose of winding up ALPHA's affairs and distributing its property. A copy of the Appointment Order is attached to this report as Appendix "A".
2. The Appointment Order authorizes the Receiver to, among other things, :
  - i) take possession of and exercise control over the Property and any and all proceeds, receipts and disbursements arising out of or from the Property; and
  - ii) market any or all of the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver in its discretion may deem appropriate.
3. The Appointment Order referred to in this report, together with related Court documents, has been posted on the Receiver's website, which can be found at *rsmcanada.com/alpha*.

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### **Purpose of First Report**

4. The purpose of this first report of the Receiver (the "**First Report**") is to:
- (a) report to the Court on the activities of the Receiver since the date of the Appointment Order to November 2, 2018;
  - (b) provide to the Court details of the activities leading to receipt of an offer for the Debtor's primary asset, namely the property municipally known as 3185 Forest Glade Drive, Windsor, Ontario (the "**Windsor Property**");
  - (c) seek an order authorizing and directing the Receiver to carry out the terms of the agreement of purchase and sale between the Receiver and Redstone Living Inc. ("**Redstone**" or the "**Purchaser**") dated September 13, 2018 (the "**APS**") in connection with the sale of the Windsor Property, together with any further amendments thereto deemed necessary by the Receiver in its sole opinion, and vesting title to the Windsor Property in the Purchaser, or in such party as the Purchaser may further direct in writing, upon closing of the APS and the delivery of the Receiver's Certificate to the Purchaser;
  - (d) seek an order sealing Confidential Appendix "1" to the First Report together with the confidential schedules referred to therein;
  - (e) provide the Court with a summary of the Receiver's cash receipts and disbursements for the period July 5, 2018 to November 2, 2018;
  - (f) seek an order approving the fees and disbursements of the Receiver for the period ending October 31, 2018;

- (g) seek an order approving the fees and disbursements of the Receiver's legal counsel, Torkin Manes LLP ("**Torkin**") for the period July 5, 2018 to September 28, 2018; and
- (h) seek the Court's approval of the First Report, including Confidential Appendix 1, and the Receiver's conduct and activities described therein.

### **Terms of Reference**

- 5. In preparing this First Report and making the comments herein, the Receiver has relied upon information from third-party sources (collectively, the "**Information**"). Certain of the information contained in this First Report may refer to, or is based on, the Information. As the Information has been provided by other parties, or obtained from documents filed with the Court in this matter, the Receiver has relied on the Information and, to the extent possible, reviewed the Information for reasonableness. However, the Receiver has not audited or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards pursuant to the CPA Canada Handbook and, accordingly, the Receiver expresses no opinion or other form of assurance in respect of the Information.
- 6. Unless otherwise stated, all dollar amounts contained in the First Report are expressed in Canadian dollars.

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## II. BACKGROUND

7. ALPHA is a corporation without share capital formed in 1971 under the Corporations Act for the purpose of operating a social housing project (the “ALPHA Housing Project”) and providing an attendant care program to assist low and moderate income individuals with special needs with activities of daily living. ALPHA operated the ALPHA Housing Project at the Windsor Property.
8. In 1994, ALPHA announced that it was terminating its attendant care program for residents at the ALPHA Housing Project and that it had been unable to make arrangements for a replacement care provider. As a result, in March, 1994, the Ministry of Health and Long-Term Care (“MOHLTC”) assumed control of the affairs of ALPHA and the ALPHA Housing Project.
9. In 2012, MOHLTC determined that the Windsor Property was no longer suitable for ALPHA’s residents. ALPHA’s residents were subsequently moved to other accommodations and the ALPHA Housing Project ceased operations. The Windsor Property has remained vacant since that time.
10. As at the date of the Appointment Order, ALPHA carried on no active business and had no employees.
11. All of ALPHA’s directors appear to have resigned in 1994 and no directors or members of ALPHA have been involved with the affairs of ALPHA since March 1994.
12. ALPHA’s assets are comprised of (i) the Windsor Property, a one storey, 13 unit apartment complex; and (ii) cash and investments.



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13. The Applicant, Her Majesty the Queen in Right of Ontario, has continued to fund ALPHA's ongoing liabilities and expenses, including payments due under ALPHA's mortgage with Canada Mortgage and Housing Corporation ("CMHC").
  14. As the Applicant no longer wished to continue to fund payment of ALPHA's ongoing liabilities, and for other just and equitable reasons, the Applicant commenced this proceeding, seeking an order providing for the winding up of ALPHA and appointing a receiver and liquidator to sell the Windsor Property and use the proceeds from the sale, and ALPHA's other assets, to pay ALPHA's liabilities.
  15. On July 5, 2018, the Court issued the Appointment Order, and RSM was thereby appointed as the Receiver of ALPHA.
  16. Torkin is counsel to the Receiver.

### III. RECEIVER'S ACTIVITIES TO DATE

#### *Property Manager*

17. Upon the issuance of the Appointment Order, the Receiver contacted Larlyn Property Management Ltd. ("Larlyn"), the property manager retained by MOHLTC to manage the Windsor Property, and notified Larlyn of the Receiver's appointment.
18. The Receiver was of the view that it was practical in the circumstances to retain Larlyn for the purpose of continuing to manage the Windsor Property during the marketing process for the Windsor Property and prior to its sale by the Receiver. The Receiver has entered into an agreement with Larlyn pursuant

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to which Larlyn provides property management services at the Windsor Property during this period. A copy of the management agreement is attached to this report as Appendix "B".

### *Cash*

19. ALPHA held cash and short-term investments totaling approximately \$490,000 at WFCU Credit Union ("WFCU"). The Receiver arranged for the transfer of \$473,436.80 to the Receiver's trust account on July 20, 2018. A balance of \$17,000 was left in the ALPHA account at WFCU in order to ensure that there would be sufficient funds to cover any cheques that had been issued by Larlyn from ALPHA's account in connection with its management of the Windsor Property, but which had not yet cleared. In addition, the ALPHA bank account was kept open to allow time for Larlyn to cancel pre-authorized debits and for the Receiver to arrange for the redirection of automatic deposits in respect of a provincial subsidy that ALPHA was receiving.
20. As at October 30, 2018, the ALPHA bank account had a balance of \$16,289.17. This amount was transferred to the Receiver's bank account on October 30, 2018 and the WFCU account was closed.

### *Insurance*

21. On July 5, 2018, the Receiver contacted All-Risks Insurance Brokers Limited ("All-Risk"), ALPHA's insurance broker, to: (i) notify All-Risk of the receivership, (ii) enquire if ALPHA's insurance coverage was still in effect and (iii) obtain confirmation that the insurer would continue coverage during the receivership. All-Risk advised the Receiver that coverage for the Windsor

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Property had lapsed on June 1, 2018 as the insurer did not want to continue to provide coverage due to the length of time the building had remained vacant. All-Risk had been unable to source an alternate quotation.

22. The Receiver immediately contacted its insolvency insurance broker and, after obtaining additional detail on the Windsor Property from Larlyn, was able to arrange for liability and property coverage effective July 5, 2018.

*Books and Records*

23. ALPHA's financial records have been maintained by and are in the possession of Larlyn.

**IV. MARKETING ACTIVITIES**

24. On July 11, 2018, the Receiver contacted Colliers International ("**Colliers**"), CBRE Limited and Avison Young to invite them to submit listing proposals for the marketing and sale of the Windsor Property. After reviewing the listing proposals received from the three brokers, the Receiver selected Colliers as listing agent to market the Windsor Property for sale. The Receiver was of the view that the Colliers proposal offered the best combination of a lower commission rate of 5% and a shorter marketing period of 3 to 6 months.
25. Colliers launched its marketing campaign on or about August 14, 2018. The highlights of the sales process undertaken by Colliers are summarized below:
- a. on August 14, 2018, the Windsor Property was listed on Colliers' website where it was viewed 1,169 times;
  - b. on August 20, 2018, the Windsor Property was listed for sale on MLS;

- 
- c. on August 20, 2018, the Windsor Property was listed on Realtor.ca where it was viewed 1,230 times;
  - d. on August 30, 2018, an email blast was sent to Colliers' list of 1,465 unique contacts and 660 people looked at the email while 47 recipients clicked on the link in the email; and
  - e. tours of the Windsor Property were conducted for 15 different parties.

Copies of the MLS listing and email blast are attached as Appendix "C" to this report.

#### **V. OFFERS RECEIVED FOR THE WINDSOR PROPERTY**

- 26. As of the deadline for the submission of offers, September 14, 2018, Colliers had received five offers. Confidential Appendix "1" attached to this report provides a summary of the offers received by Colliers and sets out the rationale for the Receiver's recommendation that this Honourable Court approve the Receiver completing the sale of the Windsor Property to Redstone.

#### **VI. REDSTONE APS**

- 27. Without reference to the purchase price (disclosed in Confidential Appendix "1"), set out below are the salient terms of the Redstone APS (all capitalized terms not defined in this report are used as defined in the APS):
  - i) a deposit of 5% of the Purchase Price is to be deposited in the trust account of the Receiver, to be paid as follows:
    - (a) 1% shall be paid upon the full execution of the APS; and

- 
- (b) the remaining amount of the deposit shall be paid upon waiver of the Purchaser's condition;
  - ii) the agreement is conditional on court approval of the APS and the issuance of an order vesting title to the Windsor Property in the Purchaser free and clear of claims and encumbrances, other than those specifically itemized in the agreement;
  - iii) the Purchaser is buying the Property on an "as is, where is" basis; and
  - iv) closing of the sale is scheduled to occur ten (10) business days following the date on which the Approval and Vesting Order is granted, or such other date as agreed between the Purchaser and the Receiver in writing.

## **VII. APPROVAL OF SALE**

28. The Receiver believes that the sales process undertaken by the Receiver was appropriate for the type of property in question, that it provided sufficient market exposure to the Windsor Property and that it resulted in obtaining a commercially reasonable offer for the following reasons:
- a. the Windsor Property was listed for sale with Colliers, and was listed on MLS and Realtor.ca;
  - b. the listing was viewed over 1,000 times;
  - c. the Windsor Property was exposed to the market for approximately four weeks;
  - d. tours of the Windsor Property were conducted for 15 different parties; and
  - e. five offers were received for the Windsor Property.

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29. The Receiver believes that details of the APS should be kept confidential until the closing of the transaction. The Receiver is of the view that public disclosure thereof would have a negative impact on the future marketing of the Windsor Property should the transaction(s) not be approved or completed. Therefore, the Receiver respectfully requests that Confidential Appendix "1", as well as the confidential schedules included and referred to therein, be sealed by this Honourable Court until after the sale transaction closes.

#### VIII. SECURED OR PRIORITY CLAIMS

30. Attached hereto as **Appendix "D"** is a copy of the Parcel Register for the Windsor Property dated April 6, 2018 ("**Title Search**").
31. Attached hereto as **Appendix "E"** is a copy of a search conducted against ALPHA under the Personal Property Security Registration System dated November 4, 2018 ("**PPSA Search**"). As of November 4, 2018, there were no current registrations against ALPHA.
32. CHMC has a first mortgage registered on title to the Windsor Property as instrument number LT55522 in the amount of \$790,987. The Receiver has been provided with, and is currently reviewing, a discharge statement provided by CHMC in connection with the CHMC mortgage.
33. Torkin has provided its opinion to the Receiver that the CMHC mortgage has been validly registered and constitutes a valid and binding obligation of ALPHA in favour of CMHC and is enforceable by CMHC in accordance with the mortgage terms against the Receiver.

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34. Larlyn has advised the Receiver that according to its records, ALPHA has never collected or remitted HST. In addition, ALPHA does not appear to have been in operation since 2012 and likely had no employees since that time. Larlyn does not prepare any statutory filings or returns on behalf of ALPHA. Accordingly, it does not appear that CRA would have any deemed trust claims against ALPHA.
35. According to information obtained by the Receiver from the City of Windsor website, ALPHA does not owe any property taxes to the City of Windsor. The Receiver has been verbally advised by the City of Windsor that, as a not-for-profit, ALPHA is not required to pay property taxes in connection with the Windsor Property. A copy of the Tax and Assessment Information obtained from the City of Windsor website, which indicates that the Windsor Property is assessed as "Exempt", is attached hereto as Appendix "F".

#### **IX. RECEIVER'S INTERIM STATEMENT OF RECEIPTS AND DISBURSEMENTS**

36. Attached to this report as **Appendix "G"** is the Receiver's Interim Statement of Receipts and Disbursements for the period July 5, 2018 to November 2, 2018 (the "**R&D**"). During this period, receipts were \$541,495 while disbursements were \$80,163, resulting in a net cash surplus of \$461,331.

#### **X. PROFESSIONAL FEES**

37. The Receiver's accounts total \$33,856.50 in fees plus HST of \$4,401.35 for a total amount of \$38,257.85 for the period ending October 31, 2018 (the

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**“Receiver’s Accounts”**). Copies of the Receiver’s Accounts, setting out the total billable hours charged per the accounts, are attached to the Affidavit of Daniel Weisz sworn November 7, 2018 that is attached to this report as **Appendix “H”**.

38. The accounts of the Receiver’s counsel, Torkin, total \$3,922.00 in fees and disbursements and \$507.59 in HST for a total of \$4,429.59 (the **“Torkin Accounts”**) for the period ending September 28, 2018. A copy of the Torkin Accounts, together with a summary of the personnel, hours and hourly rates described in the Torkin Accounts, supported by the Affidavit of Jeffrey J. Simpson sworn November 8, 2018 is attached to this report as **Appendix “I”**.

#### **XI. NEXT STEPS OF THE RECEIVER**

39. Following the completion of the sale of the Windsor Property, the Receiver will begin the process of winding up ALPHA. As part of this process, the Receiver intends to prepare a further Report setting out its recommendations as to any appropriate interim distributions which may be made from funds on hand and a suitable claims process to be implemented with respect to any remaining funds, as it is anticipated that there will be a surplus remaining after payment of ALPHA’s secured creditors.

#### **XII. CONCLUSION**

40. The Receiver respectfully requests that the Court grant an Order which provides for the following:



- 
- (a) authorizing and directing the Receiver to carry out the terms of the APS;
  - (b) sealing Confidential Appendix "1 to the First Report, together with the confidential schedules referred to therein;
  - (c) approving the R&D;
  - (d) approving the fees and disbursements of the Receiver for the period ending October 31, 2018;
  - (e) approving the fees and disbursements of Torkin for the period ending September 28, 2018; and
  - (f) approving the First Report, including Confidential Appendix 1, and the conduct and activities of the Receiver as set out therein.

All of which is respectfully submitted to this Court as of this 8th day of November, 2018.

**RSM CANADA LIMITED**

In its capacity as Court Appointed Receiver and Liquidator of  
Apartments for Living for Physically Handicapped Association  
and not in its personal capacity



Per: Daniel Weisz, CPA, CA, CFF, CIRP, LIT  
Senior Vice President

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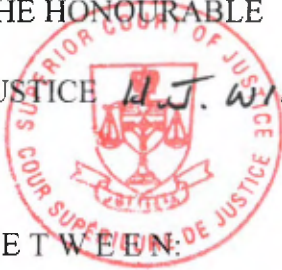
Court File No. CV-18-596938-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

THE HONOURABLE MR. )  
 JUSTICE H.J. WILTON-SEBASTIAN )

WEDNESDAY, THE 14<sup>TH</sup> )  
 DAY OF NOVEMBER, 2018 )

BETWEEN:



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A  
 RECEIVER AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
 c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**APPROVAL AND VESTING ORDER**

THIS MOTION, made by RSM Canada Limited in its capacity as the Court-appointed receiver and liquidator (the "Receiver") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("ALPHA"), including all proceeds thereof (collectively, the "Property") for an order approving the sale transaction (the "Transaction") contemplated by an agreement of purchase and sale (the "Sale Agreement") between the Receiver and Redstone Living Inc. (the "Purchaser") made as of September 13, 2018, as amended by Amending Agreement dated as of November 1, 2018, each as appended to the

Report of the Receiver dated November 8, 2018 (the "Report"), and vesting in the Purchaser ALPHA's right, title and interest in and to the assets described in the Sale Agreement (the "Purchased Assets"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Report and on hearing the submissions of counsel for the Receiver, no other persons appearing,

1. THIS COURT ORDERS AND DECLARES that the Transaction is hereby approved, and the execution of the Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the Transaction and for the conveyance of the Purchased Assets to the Purchaser.

2. THIS COURT ORDERS AND DECLARES that upon the delivery of a Receiver's certificate to the Purchaser substantially in the form attached as Schedule A hereto (the "Receiver's Certificate"), all of the Receiver's and all of ALPHA's right, title and interest in and to the Purchased Assets described in the Sale Agreement and listed on Schedule B hereto shall vest absolutely in the Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "Claims") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of the Honourable Justice Hailey dated July 5, 2018; (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (all of which are collectively referred to as the "Encumbrances", which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule D) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

3. THIS COURT ORDERS that upon the registration in the Land Registry Office for the Land Titles Division of Essex (Windsor) (#12) of an Application for Vesting Order in the form

prescribed by the *Land Titles Act* and/or the *Land Registration Reform Act*, the Land Registrar is hereby directed to enter the Purchaser as the owner of the subject real property identified in Schedule B hereto (the "Real Property") in fee simple, and is hereby directed to delete and expunge from title to the Real Property all of the Claims listed in Schedule C hereto.

4. THIS COURT ORDERS that for the purposes of determining the nature and priority of Claims, the net proceeds from the sale of the Purchased Assets shall stand in the place and stead of the Purchased Assets, and that from and after the delivery of the Receiver's Certificate all Claims and Encumbrances shall attach to the net proceeds from the sale of the Purchased Assets with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased Assets had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

5. THIS COURT ORDERS AND DIRECTS the Receiver to file with the Court a copy of the Receiver's Certificate, forthwith after delivery thereof.

6. THIS COURT ORDERS that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of ALPHA and any bankruptcy order issued pursuant to any such applications; and
- (c) any assignment in bankruptcy made in respect of ALPHA;

the vesting of the Purchased Assets in the Purchaser pursuant to this Order shall be binding on any trustee in bankruptcy that may be appointed in respect of ALPHA and shall not be void or voidable by creditors of ALPHA, nor shall it constitute nor be deemed to be a settlement, fraudulent preference, assignment, fraudulent conveyance or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

7. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

*W. Non - hnd J.*

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ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

NOV 15 2018

PER / PAR:

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ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

NOV 15 2018

PER / PAR:

*pl*

## Schedule A – Form of Receiver’s Certificate

Court File No. CV-18-596938-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

**RECEIVER’S CERTIFICATE****RECITALS**

A. Pursuant to an Order of the Honourable Justice Hailey of the Ontario Superior Court of Justice (the "Court") dated July 5, 2018, RSM Canada Limited was appointed as the receiver and liquidator (the "Receiver") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("ALPHA"), including all proceeds thereof (collectively, the "Property") for the purpose of winding up ALPHA’s affairs and distributing its Property

B. Pursuant to an Order of the Court dated November 14, 2018, the Court approved the agreement of purchase and sale dated September 13, 2018, as amended by Amending Agreement dated as of November 1, 2018 (the "Sale Agreement") between the Receiver and Redstone Living Inc. (the "Purchaser") and provided for the vesting in the Purchaser of the Receiver’s and ALPHA’s right, title and interest in and to the Purchased Assets, which vesting is to be effective with respect to the Purchased Assets upon the delivery by the Receiver to the Purchaser of a certificate confirming (i) the payment by the Purchaser of the Purchase Price for the Purchased Assets; (ii) that the conditions to Closing as set out in section 16 of the Sale Agreement have

been satisfied or waived by the Receiver and the Purchaser; and (iii) the Transaction has been completed to the satisfaction of the Receiver.

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Sale Agreement.

THE RECEIVER CERTIFIES the following:

1. The Purchaser has paid and the Receiver has received the Purchase Price for the Purchased Assets payable on the Closing Date pursuant to the Sale Agreement;
2. The conditions to Closing as set out in section 16 of the Sale Agreement have been satisfied or waived by the Receiver and the Purchaser; and
3. The Transaction has been completed to the satisfaction of the Receiver.
4. This Certificate was delivered by the Receiver at \_\_\_\_\_ [TIME] on \_\_\_\_\_ [DATE].

**RSM Canada Limited, solely in its capacity as  
Court-appointed Receiver and Liquidator of  
Apartments For Living For Physically  
Handicapped Association and not in its  
personal or corporate capacity and without  
personal or corporate liability**

Per: \_\_\_\_\_

Name:

Title:



**Schedule B – Purchased Assets**

All of the Receiver's (if any) and ALPHA's right, title and interest in and to the Property and the Building (as defined in the Sale Agreement) including, without limitation, the following real property:

MUNICIPAL ADDRESS: 3185 Forest Glade Drive, Windsor, ON

LEGAL DESCRIPTION: PCL BLK M-1 SEC M77; PT BLK M PL M77 PT 2 12R3596 WINDSOR; S/T TO A RIGHT IN FAVOUR OF GEORGE WIMPEY CANADA LIMITED FOR ITSELF, ITS SUCCESSORS, SERVANTS, AGENTS AND ASSIGNS, UNTIL APPROVAL BY THE COMMISSIONER OF WORKS OF THE CITY OF WINDSOR, THE RIGHT TO ENTER THE LANDS INCLUDED HEREIN WITHOUT CHARGE, TO MAKE MODIFICATIONS OF THE SURFACE DRAINAGE FEATURES OF THE SAID LANDS AS MAY BE NECESSARY TO HAVE THE SURFACE DRAINAGE FEATURES COMPLY WITH THE DRAINAGE PATTERNS ESTABLISHED BY THE CORPORATION OF THE CITY OF WINDSOR

ROLL NUMBER: 3739-070-830-01800-0000

PIN: 01387-0011 (LT)

**Schedule C – Claims to be deleted and expunged from title to Real Property**

The following Instruments are to be discharged upon registration of the Vesting Order:

1. Instrument No. LT55522 registered on December 30, 1980, being a Charge in favour of Canada Mortgage and Housing Corporation in the principal amount of \$790, 987.00.

**Schedule D – Permitted Encumbrances, Easements and Restrictive Covenants  
related to the Real Property**

**(unaffected by the Vesting Order)**

Permitted Encumbrances with respect to the Property (as defined in the Sales Agreement) means:

1. The exceptions and qualifications set out in the *Land Titles Act* (Ontario) and/or on the parcel register for the Property;
2. The reservations, limitations, provisos and conditions expressed in the original grant from the Crown;
3. Any registered or unregistered easements, servitudes, rights-of-way, licences, restrictions that run with the land and other encumbrances and/or agreements with respect thereto (including, without limiting the generality of the foregoing, easements, rights-of-way and agreements for sewers, drains, gas and water mains or electric light and power or telephone, telecommunications or cable conduits, poles, wires and cables);
4. Inchoate liens for taxes, assessments, public utility charges, governmental charges or levies not at the time due or liens for same which are due but the validity of which are being contested in good faith by the Vendor provided that the Vendor has provided security which in the opinion of the Vendor, acting reasonably, is necessary to avoid any lien, charge or encumbrance arising with respect thereto;
5. Any encroachments, minor defects or irregularities indicated on any survey of the Property or which may be disclosed on an up-to-date survey of the Property;
6. Zoning (including, without limitation, airport zoning regulations), use and building by-laws and ordinances, federal, provincial or municipal by-laws and regulations, work orders, deficiency notices and any other noncompliance;
7. Any breaches of any applicable laws, including, without limitation, outstanding building permits, work orders and deficiency notices;
8. Any subdivision agreements, site plan agreements, development agreements and any other agreements with the municipality, region, publicly regulated utilities or other governmental authorities having jurisdiction;
9. Defects or irregularities in title to the Property;
10. The following instruments registered on title to the Property:
  - i. Instrument No. LT2350 registered on February 3, 1970, being a Notice re airport zoning regulations;

- ii. Instrument No. LT20596 registered on October 28, 1975, being a By-law;
  - iii. Instrument No. LT30268 registered on June 30, 1977, being the Transfer to ALPHA;
  - iv. Instrument No. LT35516 registered on May 1, 1978, being a Notice of a decision;
  - v. Instrument No. LT58811 registered on October 27, 1981, being a Notice re amendment to zoning regulations;
  - vi. Instrument No. LT58812 registered on October 27, 1981, being a Notice re amendment to zoning regulations; and
11. Instrument No. CE603388 registered on March 17, 2014, being a By-law regarding part-lot control.

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HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and- APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION  
Respondent

Applicant

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**  
  
PROCEEDING COMMENCED AT TORONTO

**APPROVAL AND VESTING ORDER**

**TORKIN MANES LLP**  
Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto ON M5C 2W7

Stewart Thom (55695C)  
sthom@torkinmanes.com  
Tel: 416-777-5197  
Fax: 1-877-689-3872

Tel: 416-863-1188  
Fax: 416-863-0305

Lawyers for the Receiver, RSM Canada Limited

RCP-E 4C (May 1, 2016)

D

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR. )  
JUSTICE N.J. WILTON-SIGBER )

WEDNESDAY, THE 14<sup>TH</sup>

DAY OF NOVEMBER, 2018

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A RECEIVER AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990, c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**ORDER  
(Approval of Fees and Conduct)**

THIS MOTION, made by RSM Canada Limited in its capacity as the Court-appointed receiver and liquidator (the "Receiver") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("ALPHA"), including all proceeds thereof for an order approving the sale of certain real property owned by ALPHA, together with other related relief, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Report of the Receiver dated November 8, 2018 (the "Report") and on hearing the submissions of counsel for the Receiver, no other persons appearing,

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Receiver's Report is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT FURTHER ORDERS** that the Receiver's Report, the activities of the Receiver outlined therein, including the Receiver's Statement of Receipts and Disbursements and Confidential Appendix 1 to the Report, are approved.
3. **THIS COURT FURTHER ORDERS** that the fees and disbursements of the Receiver and its counsel as shown in the Fee Affidavits of Daniel Weisz and Jeffrey J. Simpson attached to the Receiver's Report, filed, are approved.
4. **THIS COURT FURTHER ORDERS** that Confidential Appendix 1 to the Report, including all Schedules thereto, is sealed and shall not be publicly available until such time as the sale of the property located at 3185 Forest Glade Drive, Windsor, Ontario by the Receiver, as contemplated in the Approval and Vesting Order in this matter dated November 14, 2018, has been fully completed, or until further Order of this Court.

*W. Hon - Daniel J.*

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ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

NOV 15 2018

PER / PAR: *tl*

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ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

NOV 15 2018

PER / PAR: *pl*



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and- APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION  
Respondent

Applicant

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT  
TORONTO

**ORDER  
(Approval of Fees and Conduct)**

**TORKIN MANES LLP**  
Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto ON M5C 2W7

Stewart Thom (55695C)  
sthom@torkinmanes.com  
Direct Tel: 416-777-5197  
Direct Fax: 1-877-689-3872

Tel: 416-863-1188  
Fax: 416-863-0305

Lawyers for the Receiver, RSM Canada Limited

E

Applicant

Court File No. CV-18-596938-CI

Nov 14/18

S. Thom for the Receiver

All parties have been served and no objections received. Approval and Vesting Order to go in the form attached. In addition the Order approving the Receiver's fees and activities to go in the form attached, which order also seals Confidential Appendix 1 to the Receiver's Report as provided therein.

*W. Thom*

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

PROCEEDING COMMENCED AT TORONTO

MOTION RECORD  
(Returnable November 14, 2018)

TORKIN MANES LLP  
Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto ON M5C 2W7

Stewart Thom (55695C)  
sthom@torkinmanes.com  
Tel: 416-777-5197  
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Tel: 416-863-1188  
Fax: 416-863-0305

Lawyers for the Receiver, RSM Canada Limited



F

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Applicant

- and -

**APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

Respondent

**SECOND REPORT OF THE RECEIVER AND LIQUIDATOR OF  
APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

**September 4, 2019**

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## I. INTRODUCTION

1. By Order of the Ontario Superior Court of Justice (Commercial List) ("**Court**") dated July 5, 2018 (the "**Appointment Order**"), RSM Canada Limited ("**RSM**") was appointed receiver and liquidator (the "**Receiver**"), without security, of all of the assets, undertakings and properties of Apartments for Living for Physically Handicapped Association ("**ALPHA**") including all proceeds thereof (the "**Property**") for the purpose of winding up ALPHA's affairs and distributing its property. A copy of the Appointment Order is attached to this report as Appendix "**A**".
2. At the time of the appointment of the Receiver, the principal asset owned by ALPHA was a one-storey, 13 unit apartment complex located at 3185 Forest Glade Drive, Windsor, Ontario (the "**Windsor Property**") from which ALPHA had formerly operated its facility. On November 8, 2018, the Receiver brought a motion, returnable on November 14, 2018, for the purpose of, among other things, seeking approval of the sale of the Windsor Property. A copy of the Receiver's First Report to the Court dated November 8, 2018 ("**First Report**"), filed in support of the Receiver's November 14, 2018 motion, is attached hereto (without appendices) as Appendix "**B**".
3. On November 14, 2018, Justice Wilton-Siegel granted an Approval and Vesting Order in respect of the sale of the Windsor Property (the "**Approval and Vesting Order**") together with an order granting certain ancillary relief (the "**Ancillary Order**"). Copies of the Approval and Vesting Order, Ancillary Order and Justice



Wilton-Siegel's November 14, 2018 Endorsement are attached to this report as Appendices "C" and "D" and "E", respectively.

4. The First Report and the orders referred to in this report, together with related Court documents, have been posted on the Receiver's website, which can be found at [rsmcanada.com/alpha](http://rsmcanada.com/alpha).

#### **Purpose of Second Report**

5. The purpose of this second report of the Receiver (the "**Second Report**") is to:
  - (a) report to the Court on the activities of the Receiver since the date of the First Report and in connection with the closing of the sale of the Windsor Property;
  - (b) provide the Court with information on the Receiver's proposed claims process (the "**Claims Process**"), and seek a Claims Procedure Order authorizing the Receiver to carry out the proposed claims process;
  - (c) provide the Court with a summary of the Receiver's cash receipts and disbursements for the period July 5, 2018 to August 15, 2019; and
  - (d) seek orders:
    - i. authorizing the Receiver to conduct the Claims Process;
    - ii. approving the Second Report and the Receiver's conduct and activities described therein;
    - iii. approving the R&D;
    - iv. approving the fees and disbursements of the Receiver for the period November 1, 2018 to July 31, 2019; and

- v. approving the fees and disbursements of the Receiver's legal counsel, Torkin Manes LLP ("**Torkin**"), for the period September 28, 2018 to July 31, 2019.

### **Terms of Reference**

6. In preparing this Second Report and making the comments herein, the Receiver has relied upon information from third-party sources (collectively, the "**Information**"). Certain of the information contained in this Second Report may refer to, or is based on, the Information. As the Information has been provided by other parties, or obtained from documents filed with the Court in this matter, the Receiver has relied on the Information and, to the extent possible, reviewed the Information for reasonableness. However, the Receiver has not audited or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards pursuant to the CPA Canada Handbook and, accordingly, the Receiver expresses no opinion or other form of assurance in respect of the Information.
7. Defined terms in the Second Report have, unless indicated otherwise herein, the same meanings as set out in the First Report.
8. Unless otherwise stated, all dollar amounts contained in the Second Report are expressed in Canadian dollars.

## II. BACKGROUND AND APPOINTMENT OF RECEIVER

9. ALPHA is a corporation without share capital formed in 1971 under the Corporations Act for the purpose of operating a social housing project (the “**ALPHA Housing Project**”) and providing an attendant care program to assist low and moderate income special needs individuals in performing the activities of daily living. ALPHA operated the ALPHA Housing Project at the Windsor Property.
10. In 1994, ALPHA announced that it was terminating its attendant care program for residents at the ALPHA Housing Project, that ALPHA intended to cease operations and that it had been unable to make arrangements for a replacement care provider. As a result, in March 1994, the Ministry of Health and Long-Term Care (“**MOHLTC**”) assumed control of the affairs of ALPHA and the ALPHA Housing Project.
11. In 2012, MOHLTC determined that the Windsor Property was no longer suitable for the purposes of the ALPHA Housing Project. As a result, ALPHA's residents were moved into alternative accommodations, ALPHA and the ALPHA Housing Project ceased business operations, and the Windsor Property was vacated.
12. Throughout the period since the cessation of ALPHA's business operations, the Applicant, Her Majesty the Queen in Right of Ontario, continued to fund ALPHA's ongoing liabilities and expenses, including payments due under ALPHA's mortgage with Canada Mortgage and Housing Corporation (“**CMHC**”) and maintenance costs associated with the upkeep of the Windsor Property.
13. As the Applicant no longer wished to continue to fund payment of ALPHA's ongoing liabilities and expenses, and for other reasons, the Applicant sought an

order seeking the appointment of a receiver and liquidator to: (i) sell the Windsor Property and apply the proceeds of sale, together with any realizations from ALPHA's other assets, to the repayment of ALPHA's liabilities; and (ii) to wind up ALPHA.

14. As referenced previously, the Appointment Order, in which RSM was appointed as the Receiver of ALPHA, was granted on July 5, 2018.
15. As at the date of the Receiver's appointment, ALPHA carried on no active business and had no employees, and the Windsor Property was vacant.
16. ALPHA's assets were, at the time of the Receiver's appointment, comprised of the Windsor Property, cash and investments.

### **III. COMPLETION OF THE SALE OF THE WINDSOR PROPERTY**

17. In the First Report, the Receiver provided the Court with details of the proposed sale transaction with Forest Glade Apartments Inc. for the Windsor Property. Following the issuance of the Approval and Vesting Order, the Receiver proceeded to close the sale transaction.
18. The sale transaction has been completed. A copy of the Receiver's Certificate filed with the Court on November 26, 2018 is attached to this report as Appendix "F".

### **IV. CORPORATE TAX RETURNS**

19. In furtherance of its mandate to wind up ALPHA, the Receiver contacted Canada Revenue Agency ("**CRA**") in order to determine ALPHA's current filing status. CRA advised that ALPHA's charitable status was revoked effective February 5, 2000 as

a result of ALPHA's failure to file annual T3010 Registered Charity Information Returns. Consequently, ALPHA had been required to file T2 Corporation Income Tax Returns (the "**T2 Returns**") for the year 2002 going forward, but these had not been filed by ALPHA.

20. Prior to its sale, the Receiver obtained possession of the books and records of ALPHA from the former property manager of the Windsor Property. However the financial records went back only as far as April 1, 2007 and no earlier records could be located. The Receiver discussed with CRA this lack of information and, based on that discussion, the Receiver prepared T2 Returns for the 2008 to 2018 taxation years based on the information available to the Receiver (the "**Returns**").
21. The Receiver filed the Returns with CRA on or about July 22, 2019. In the Receiver's cover letter to CRA, the Receiver set out that:
  - i) the Receiver did not audit or otherwise attempt to verify the accuracy or completeness of the financial statements or the Returns, and
  - ii) the Receiver is unable to prepare corporate income tax returns for ALPHA's 2000 to 2007 taxation years as the Receiver does not have any financial information relating to ALPHA for taxation years prior to 2008.
22. Based on the Returns filed, the balanced owed by ALPHA to CRA is \$318.00. The Receiver is currently awaiting CRA's review and assessment of the Returns.

## V. PROPOSED CLAIMS PROCESS

23. In order to complete the wind up of ALPHA, the Receiver believes that it is necessary to establish a claims process and seek a Claims Procedure Order in

order to identify and determine the validity and quantum of any claims that may be asserted against ALPHA.

24. Accordingly, the Receiver seeks the Court's approval of the following proposed claims procedure:

- i) the Receiver will send a copy of the notice of the Receiver's appointment (the "**Notice**") and the Claims Procedure Order to all known creditors of ALPHA;
- ii) in order to identify potential unknown creditors of ALPHA, the Receiver will cause to be published in the National Post and the Windsor Star, or other local publication, a notice of its appointment as Receiver and the requirement for creditors of ALPHA to assert any claims and send to the Receiver a proof of claim against ALPHA on or before the Claims Bar Date (as defined below);
- iii) copies of the Notice and Claims Procedure Order will be posted on the Receiver's website;
- iv) any person that wishes to assert a claim against ALPHA must deliver to the Receiver on or before 5:00 p.m. on October 29, 2019 (the "**Claims Bar Date**"), a completed Proof of Claim with all relevant supporting documentation, failing which such creditor's claim shall be forever barred and extinguished and such creditor shall not be entitled to any distribution in respect of the claim or any further notice of orders made or steps taken in this proceeding;

- v) the Receiver will review all Proofs of Claim filed on or before the Claims Bar Date and is authorized and directed to use reasonable discretion as to the adequacy of compliance with the manner in which Proofs of Claim are completed and executed, and may, where it is satisfied that a claim has been adequately completed, waive strict compliance with the requirements of the Claims Procedure Order as to the completion and execution of the Proof of Claim;
  - vi) the Receiver will review the claims of each creditor and accept or disallow (in whole or in part) the amount and/or status of such claims. In the event that the Receiver disputes any claim, the Receiver is to deliver to the creditor by registered mail a Notice of Revision or Disallowance (the "**Disallowance**");
  - vii) any creditor who receives a Disallowance and intends to dispute the Disallowance, must notify the Receiver in writing within thirty (30) days of the date of mailing of the Disallowance;
  - viii) upon receiving notice that a creditor intends to dispute the Disallowance, the Receiver may attempt to resolve and settle the creditor's claim. In the event that the claim cannot be resolved by the Receiver, the Receiver may bring the disputed claim before the Court and seek a determination from the Court as to the disputed claim's validity.
25. Copies of the proposed Notice, form of Proof of Claim and Disallowance are attached to this report as Appendix "**G**".

26. The Receiver has consulted with CRA in an effort to establish a timeline for the contemplated claims process that will allow CRA time to complete its assessment of the Returns and inform the Receiver of CRA's position in this regard. The proposed Claims Bar Date was selected following the Receiver's consultations with CRA.

## VI. RECEIVER'S INTERIM STATEMENT OF RECEIPTS AND DISBURSEMENTS

27. Attached to this report as **Appendix "H"** is the Receiver's Interim Statement of Receipts and Disbursements for the period July 5, 2018 to August 15, 2019 (the "**R&D**"). During this period, receipts were \$1,220,567 while disbursements were \$270,983, resulting in a net cash surplus of \$949,584.

## VII. PROFESSIONAL FEES

28. The Receiver's accounts total \$59,328.50 in fees plus HST of \$7,712.72 for a total amount of \$67,041.22 for the period November 1, 2018 to July 31, 2019 (the "**Receiver's Accounts**"). Copies of the Receiver's Accounts, setting out the total billable hours charged per the accounts, are attached to the Affidavit of Daniel Weisz sworn September 3, 2019 that is attached to this report as **Appendix "I"**.
29. The accounts of the Receiver's counsel, Torkin, total \$23,650.23 in fees and disbursements and \$3,048.33 in HST for a total of \$26,698.56 (the "**Torkin Accounts**") for the period September 28, 2018 to July 31, 2019. A copy of the Torkin Accounts, together with a summary of the personnel, hours and hourly rates described in the Torkin Accounts, supported by the Affidavit of Jeffrey Simpson sworn September 3, 2019 is attached to this report as **Appendix "J"**.



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**VIII. CONCLUSION**

30. The Receiver respectfully requests that the Court grant Orders which provide for the following:

- (a) authorizing the Receiver to carry out the proposed claims process; and
- (b) approving:
  - (i) the Second Report and the Receiver's conduct and activities described therein;
  - (ii) the R&D; and
  - (iii) the Receiver's Accounts and the Torkin Accounts.

All of which is respectfully submitted to this Court as of this 4th day of September, 2019.

**RSM CANADA LIMITED**

In its capacity as Court Appointed Receiver and Liquidator of  
Apartments for Living for Physically Handicapped Association  
and not in its personal capacity



Per: Daniel Weisz, CPA, CA, CFF, CIRP, LIT  
Senior Vice President

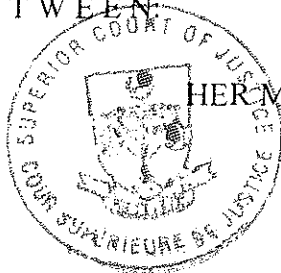
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Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR ) THURSDAY THE 19<sup>th</sup>  
JUSTICE HAINES )  
DAY OF SEPTEMBER, 2019

BETWEEN



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A RECEIVER  
AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**CLAIMS PROCESS ORDER**

THIS MOTION, made by RSM Canada Limited in its capacity as the Court-appointed receiver and liquidator (the "**Receiver**") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("**ALPHA**"), including all proceeds thereof for an order, *inter alia*, approving a Claims Process in respect of proceeds realized from the liquidation of the property of ALPHA, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver dated September 4, 2019 (the "**Second Report**") and on hearing the submissions of counsel for the Receiver, no other persons appearing,

## **SERVICE**

1. THIS COURT ORDERS that the time for service of the Notice of Motion and Motion Record filed on this Motion be and is hereby abridged, service is validated and that further service thereof is hereby dispensed with such that this Motion is properly returnable today.

## **DEFINITIONS**

2. For the purposes of this Order the following terms shall have the following meanings:
- (a) "**BIA**" means the *Bankruptcy and Insolvency Act*, R.S.C. 1985,c. B-3, as amended;
  - (b) "**Business Day**" means a day, other than a Saturday, Sunday or statutory holiday;
  - (c) "**Claim**" means any claim or liability provable in proceedings under the BIA by a Creditor and includes any right or claim of any Person against ALPHA, whether secured or not, in connection with any indebtedness, liability or obligation of any kind of ALPHA owed to such Person, and any interest accrued thereon or costs payable in respect thereof, including any indebtedness, liability or obligation owed to such Person existing prior to the Appointment Date but does not include the CMHC Mortgage Claim;
  - (d) "**Claims Package**" means the documents collectively attached at Schedule "A" to this Claims Process Order;
  - (e) "**Claims Process**" means the procedures outlined in this Order and in the Second Report to be implemented in connection with the assertion of any Claims against ALPHA;

- (f) "**Court**" means the Ontario Superior Court of Justice, Commercial List, Toronto, Ontario;
- (g) "**Creditor**" means any Person asserting a Claim against ALPHA;
- (h) "**CMHC Mortgage Claim**" means the secured claim by Canada Mortgage and Housing Corporation;
- (i) "**Appointment Date**" means July 5, 2018;
- (j) "**Known Creditors**" includes all Creditors known to the Receiver as having a Claim or potential Claim against ALPHA;
- (k) "**Notice to Creditors**" means the notice substantially in the form attached hereto as Schedule "B", which is to be published in accordance with the terms of this Claims Process Order;
- (l) "**Notice of Disallowance**" means the notice substantially in the form attached hereto as Schedule "C";
- (m) "**Person**" has the meaning as defined in the BIA;
- (n) "**Proof of Claim**" means the form completed and filed by a Creditor setting forth its Claim with supporting documentation, which proof of claim shall be substantially in the form as that included in the Claims Package; and
- (o) "**Proven Claim**" means a Claim that has been allowed by the Receiver pursuant to the terms of this Order.

## TIMELINES

3. For the purposes of this Order the following terms refer to the following dates:

- (a) "**Claims Bar Date**" means 5:00 PM on October 29, 2019;
- (b) "**Claims Disallowance Date**" means 5:00 PM November 8, 2019;

- (c) "**Claims Disallowance Appeal Date**" means the day which is thirty (30) days from the date on which the Receiver sends a Notice of Disallowance in respect of a Claim;
- (d) "**Claims Disallowance Hearing Date**" means a day which is not later than forty five (45) days from the date a Creditor files and serves a Notice of Motion and supporting affidavit materials appealing the disallowance of a Claim in accordance with the requirements of paragraph 13 of this Order;
- (e) "**Claims Package Date**" means September 27, 2019; and
- (f) "**Receiver Notice Address**" means:

RSM Canada Limited  
11 King St. W., Suite 700, Box 27,  
Toronto, Ontario, Canada, M5H 4C7  
Attn: Brenda Wong  
Fax: 416.480.2646  
Email: [brenda.wong@rsmcanada](mailto:brenda.wong@rsmcanada).

## **CLAIMS PROCESS**

4. THIS COURT ORDERS that the Claims Process and the form of associated documents as attached at Schedules A, B and C hereto, with such minor amendments as the Receiver may deem appropriate, are approved.

5. THIS COURT ORDERS AND DIRECTS that the Receiver is hereby authorized and directed to, on or before the Claims Package Date:

- (a) send a copy of this Claims Process Order, a copy of the Notice to Creditors and a copy of the Claims Package to all known Creditors of ALPHA;
- (b) cause the Notice to Creditors to be published in the National Post and the Windsor Star, or other local publication, for a period of one (1) Business Day; and

- (c) post on the Receiver's website copies of the Notice to Creditors, Claims Process Order and Claims Package.

### **CREDITOR CLAIMS AND CLAIMS BAR DATE**

6. THIS COURT ORDERS that a Creditor who wishes to assert a Claim must file a Proof of Claim, with supporting documentation, with the Receiver, by delivering the Proof of Claim with supporting documentation by ordinary mail, registered mail, courier, facsimile, e-mail message or personal delivery to the Receiver at the Receiver Notice Address on or before the Claims Bar Date.

7. THIS COURT ORDERS that any Creditor who does not file a Proof of Claim on or before the Claims Bar Date shall be barred from advancing any Claim against ALPHA, that the Claims of such Creditor will be forever barred and extinguished and that such Creditor shall not be entitled to any distribution of funds from the estate of ALPHA or the Receiver and shall not be entitled to notice of any further steps taken in this proceeding.

8. THIS COURT ORDERS that the Receiver's compliance with the terms of this Order shall constitute good and sufficient service of such materials to any Person and no further notice or service need be given or made and no other document or material need be served in connection with the Receiver's administration of the Claims Process.

### **REVIEW OF PROOFS OF CLAIM AND CLAIM DISPUTES**

9. THIS COURT ORDERS AND DIRECTS that the Receiver shall review all Proofs of Claim filed on or before the Claims Disallowance Date and the Receiver is authorized and directed to use reasonable discretion as to the adequacy of compliance with the manner in which Proofs of Claim are completed and executed and may, where it is satisfied that a Claim has been adequately completed, waive strict compliance with the requirements of the Claims Process Order as to the completion and execution of the Proof of Claim.

10. THIS COURT ORDERS AND DIRECTS that the Receiver may request further information and documents in respect of a Proof of Claim from the Creditor and such other Persons as reasonably necessary to assess the Proof of Claim.

11. THIS COURT ORDERS AND DIRECTS that after reviewing the Proofs of Claim filed, the Receiver may dispute or disallow a Claim in whole or in part by sending to the Creditor a Notice of Disallowance by the Claims Disallowance Date. Notice of Disallowance may be sent to the address noted in the subject Proof of Claim and, where an e-mail or facsimile address is provided in the Proof of Claim, delivery in that mode shall be sufficient.

12. THIS COURT ORDERS AND DIRECTS that upon receiving notice that a Creditor intends to dispute a disallowance of that Creditor's Claim, the Receiver may attempt to resolve and settle the Creditor's Claim.

13. THIS COURT ORDERS AND DIRECTS that any Creditor who disputes a Notice of Disallowance may appeal the decision of the Receiver communicated therein and seek a determination by the Court of the validity, value of and particulars of its Claim by filing at the Courthouse at 330 University Avenue, 7<sup>th</sup> Floor, Toronto, Ontario and serving upon the Receiver, at the Receiver Notice Address, on or before the Claims Disallowance Appeal Date, a Notice of Motion to appeal the disallowance supported by Affidavit materials, returnable by no later than the Claims Disallowance Hearing Date. The Receiver shall be at liberty, but not obliged, to respond to or appear on the hearing of any such appeal.

14. THIS COURT ORDERS AND DIRECTS that any Creditor who fails to file and serve the Notice of Motion and supporting affidavit material by the Claims Disallowance Appeal Date or fails to schedule a hearing of their appeal on or before the Claims Disallowance Hearing Date shall be deemed to forfeit any rights of appeal and shall be deemed to accept the amount of its Claim as set forth in the Notice of Disallowance and such amounts set forth in the Notice of Disallowance shall constitute a Proven Claim.

### **CMHC MORTGAGE CLAIM**

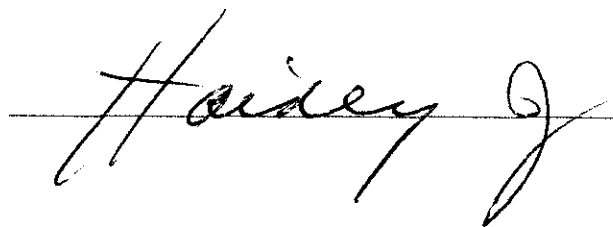
15. THIS COURT ORDERS AND DIRECTS that notwithstanding anything else in this Order, the CMHC Mortgage Claim shall not be subject to the Claims Process or any of the provisions herein contained and that the validity and quantum of the CMHC Mortgage Claim shall be assessed by the Receiver in the ordinary course.



**GENERAL PROVISIONS**


16. THIS COURT ORDERS AND DIRECTS that in the event that the day on which any notice or communication required to be delivered pursuant to this Claims Process is not a Business Day, then such notice or communication shall be required to be delivered on the next Business Day.

17. THIS COURT ORDERS AND DIRECTS that in the event of any strike, lock-out or other event which interrupts postal service in any part of Canada, all notices and communications during such interruption may only be delivered by personal delivery, courier, electronic mail or such other method which the Court on application may specify, and any notice or other communication given or made by prepaid mail within the five (5) Business Day period immediately preceding the commencement of such interruption, unless actually received, shall be deemed not to have been delivered. All such notices and communications shall be deemed to have been received, in the case of notice by personal delivery, courier or electronic mail prior to 5:00 p.m. (local time) on a Business Day, when received, if received after 5:00 p.m. (local time) on a Business Day or at any time on a non-Business Day, on the next following Business Day, and in the case of a notice mailed as aforesaid, on the fourth Business Day following the date on which such notice or other communication is mailed.



ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

SEP 19 2019

PER / PAR: 

SCHEDULE "A"  
CLAIMS PACKAGE

**INSTRUCTION LETTER**

Pursuant to an Order of the Ontario Superior Court of Justice dated July 5, 2018 (the "Appointment Order"), RSM Canada Limited was appointed as receiver and liquidator of Apartments For Living For Physically Handicapped Association ("ALPHA").

In its capacity as receiver and liquidator (the "Receiver"), the Receiver has, pursuant to an Order of the Court dated September 19, 2019 (the "Claims Process Order"), been authorized to conduct a claims process in respect of ALPHA. A copy of the Claims Process Order is included with this package.

This Instruction Letter has been prepared to assist persons asserting a claim in filling out the Proof of Claim form with respect to ALPHA. If you have any additional questions regarding completion of the Proof of Claim form, please contact the Receiver at the contact information shown below.

In the event of any inconsistency between the terms of this Instruction Letter and the terms of the Claims Process Order, the terms of the Claims Process Order will govern. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Claims Process Order.

**Section 1 – Particulars of Creditor**

- A separate Proof of Claim form must be filed by each legal entity or Person asserting a claim against ALPHA.
- The full legal name of the Person asserting the claim must be provided.
- If the claim has been assigned or transferred to another party, Section 2 must also be completed.
- Unless the claim is assigned or transferred, all future correspondence, notices, etc. regarding the claim will be directed to the address and contact details indicated in the Proof of Claim.

**Section 2 – Particulars of Original Creditor in case of Assignment**

- If the holder of a claim is the assignee of its claim, then this Section 2 must be completed.
- The full legal name of the original creditor must be provided.
- Please provide particulars of assignment in a separate schedule.
- If the Receiver is satisfied that an assignment or transfer has occurred, all future correspondence, notices, etc. regarding the claim will be directed to the assignee at the address and contact details indicated in the Proof of Claim.

**Section 3 – Amount of Claim**

- Indicate the amount ALPHA was and still is indebted to the Person asserting the claim on the Proof of Claim.

*Currency, Original Currency Amount*

- The amount of the claim is assumed to be in Canadian dollars unless specifically indicated otherwise in the Proof of Claim.
- Claims denominated in a currency other than Canadian dollars will be converted into Canadian dollars by the Receiver using the Bank of Canada noon spot exchange rate on the date on which the claim arose.

*Secured*

- Complete this section ONLY if the claim recorded on that line is secured. Do not complete this section if your claim is unsecured.
- If the value of the collateral securing your claim is less than the amount of your claim, enter the shortfall portion on a separate line as an unsecured claim.

*Priority*

- Complete this section ONLY if the amount of your claim has a right to priority.
- If a priority claim is being asserted, please provide details as to the nature of the claim being asserted, and the basis for priority on which you rely.

**Section 4 – Particulars of Claim**

- Attach to the Proof of Claim form all particulars of the claim and supporting documentation, including amount, description of transaction(s), agreement(s) or other document(s) giving rise to or evidencing the claim, including invoices, particulars of all credits, offsets or other deductions claimed, description of the security, if any, granted to the holder of the claim.
- If your claim is a secured claim, evidence supporting the security you hold must be submitted with the Proof of Claim form. Provide full particulars of the nature of the security, including the date on which the security was given and the value you attribute to the collateral securing your claim. Attach a copy of all related security documents.

**Certification**

- The person signing the Proof of Claim form should
  - be the holder of the claim, or authorized representative of the holder of the claim.
  - have knowledge of all the circumstances connected with the claim.
- By signing and submitting the Proof of Claim, the Creditor is asserting the claim against ALPHA.

**Filing of Claim**

- The Proof of Claim **must be received** by the Receiver on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the “**Claims Bar Date**”).
- Proofs of Claim should be sent by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission to the following address:

RSM Canada Limited  
Receiver of Apartments for Living for Physically Handicapped Association  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**In the Matter of the Receivership and Liquidation of  
Apartments for Living for Physically Handicapped Association ("ALPHA")**

**PROOF OF CLAIM RE ALPHA**

**1. Particulars of Creditor:**

- (1) Full Legal Name of Creditor: \_\_\_\_\_
- (2) Full Mailing Address of Creditor: \_\_\_\_\_
- (3) Telephone Number of Creditor: \_\_\_\_\_
- (4) Facsimile Number of Creditor: \_\_\_\_\_
- (5) E-mail Address of Creditor: \_\_\_\_\_
- (6) Attention (Contact Person): \_\_\_\_\_

**2. Particulars of Original Creditor from Whom You Acquired Claim, if Applicable:**

- (1) Have you acquired this claim by assignment?

Yes [  ] No [  ]

(if yes, attach documents evidencing assignment)

- (2) Full Legal Name of original creditor(s): \_\_\_\_\_

**3. Claim:**

I, \_\_\_\_\_, [*name of Creditor or authorized representative of the Creditor*], am the Creditor/hold the position of \_\_\_\_\_ of the Creditor and have knowledge of all the circumstances connected with the claim described herein; and

The Creditor makes the following claim against ALPHA:

Nature of Claim	Claim Amount *	Date of Claim
Secured Claim		
Priority Claim		
Unsecured Claim		

\* Assumes Canadian funds unless indicated otherwise.

**4. Particulars of Claim:**

The particulars of the undersigned's claim against ALPHA are attached.

*(Attach a schedule setting forth full particulars of the claim(s) against ALPHA and supporting documentation, including amount, description of transaction(s) or agreement(s) giving rise to the claim(s), name of any guarantor(s) which has guaranteed the claim(s), and amount of claim(s) allocated thereto, date and number of all invoices, particulars of all credits, discounts, etc. claimed, description of the security, if any, granted and estimated value of such security or title retention arrangement).*

**5. Submission of Proof of Claim:**

**THIS PROOF OF CLAIM MUST BE RETURNED TO AND RECEIVED BY THE RECEIVER ON OR BEFORE 5:00 P.M. (TORONTO TIME) ON OCTOBER 29, 2019 AT THE FOLLOWING ADDRESS:**

RSM Canada Limited  
 Court-appointed Receiver and Liquidator of ALPHA  
 11 King Street West, Suite 700, Box 27  
 Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
 Telephone: (647) 727-3621  
 Facsimile: (416) 480-2646  
 E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**DATED** at ..... this ..... day of ....., 2019.

I hereby certify that:

- (a) I am the Claimant or authorized representative of the Claimant.
- (b) I have knowledge of all the circumstances connected with this Claim.
- (c) The Claimant asserts this Claim against ALPHA as set out above.

(d) Complete documentation in support of this Claim is attached.

Witnessed by (WITNESS SIGNATURE  
REQUIRED IN THE CASE OF  
INDIVIDUALS):

\_\_\_\_\_

*[If Creditor is individual]*

*(sign)* \_\_\_\_\_

\_\_\_\_\_  
Print Name

*[If Creditor is corporation]*

\_\_\_\_\_  
[Print name of Creditor]

Per: *(sign)* \_\_\_\_\_  
Authorized Signing Officer

SCHEDULE "B"  
NOTICE TO CREDITORS

**Notice to Creditors of Apartments For Living For Physically Handicapped Association**

**NOTICE OF CLAIMS PROCESS FOR APARTMENTS FOR LIVING FOR  
PHYSICALLY HANDICAPPED ASSOCIATION ("ALPHA")**

By Order of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated July 5, 2018, RSM Canada Limited was appointed by the Court as receiver and liquidator (the "**Receiver**") of all of the assets, undertakings and properties of ALPHA including all proceeds thereof for the purpose of winding up ALPHA's affairs and distributing its property.

PLEASE TAKE NOTICE that on September 19, 2019, the Court issued an order (the "**Claims Process Order**"), a copy of which is enclosed, requiring that all Persons who have and wish to assert a claim against ALPHA shall do so by filing with the Receiver a proof of claim against ALPHA on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the "**Claims Bar Date**"). Completed Proofs of Claim can be sent to the Receiver by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission at the address of the Receiver listed below, but must be received by the Receiver on or before the Claims Bar Date to be considered.

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM(S) AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**Address of the Receiver:**

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

Dated at Toronto this \_\_\_\_ day of September, 2019.



SCHEDULE "C"  
NOTICE OF DISALLOWANCE

**In the Matter of the Receivership and Liquidation of  
Apartments for Living for Physically Handicapped Association ("ALPHA")**

**NOTICE OF REVISION OR DISALLOWANCE**

**IN RESPECT OF CLAIMS AGAINST ALPHA**

To: \_\_\_\_\_

Pursuant to the Claims Process Order, the Receiver hereby gives you notice that the Receiver has reviewed your Proof of Claim and has revised or disallowed all or part of your purported Claim. Subject to further dispute by you in accordance with the Claims Process Order, your Proven Claim will be as follows:

	<b>Currency</b>	<b>Amount as Submitted</b>	<b>Amount Allowed</b>
Secured Claim			
Priority Claim			
Unsecured Claim			
<b>Total Claim</b>			

**Reasons for Revision or Disallowance:**

**SERVICE OF DISPUTE NOTICES**

If you intend to dispute this Notice of Revision or Disallowance, you must, no later than 30 days after the Receiver sends this Notice of Revision or Disallowance, notify the Receiver in writing by prepaid ordinary mail, registered mail, courier, personal delivery or facsimile or other electronic transmission to the following address:

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**IF YOU FAIL TO GIVE WRITTEN NOTICE OF INTENT TO DISPUTE THIS NOTICE OF REVISION OR DISALLOWANCE WITHIN THE PRESCRIBED TIME PERIOD, THIS NOTICE OF REVISION OR DISALLOWANCE WILL BE BINDING UPON YOU.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

RSM Canada Limited, solely in its capacity as Court-appointed Receiver and Liquidator of Apartments for Living for Physically Handicapped Association, and not in its personal or corporate capacity

Per: \_\_\_\_\_

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and-

APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION

Applicant

Respondent

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**PROCEEDING COMMENCED AT  
TORONTO**CLAIM PROCESS ORDER****TORKIN MANES LLP**

Barristers &amp; Solicitors

151 Yonge Street, Suite 1500

Toronto ON M5C 2W7

Stewart Thom (55695C)

sthom@torkinmanes.com

Tel: 416-777-5197

Fax: 1-877-689-3872

Lawyers for the Receiver and Liquidator, RSM Canada  
Limited

RCP-E 4C (May 1, 2016)

# H

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR ) THURSDAY THE 19<sup>th</sup>  
JUSTICE HAINES )  
DAY OF SEPTEMBER, 2019

BETWEEN:



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

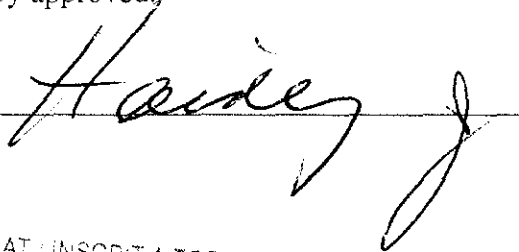
APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A RECEIVER  
AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**ORDER**

THIS MOTION, made by RSM Canada Limited in its capacity as the Court-appointed receiver and liquidator (the "**Receiver**") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("**ALPHA**"), including all proceeds thereof for an order, *inter alia*, approving a Claims Process in respect of proceeds realized from the liquidation of the property of ALPHA, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver dated September 4, 2019 (the "**Second Report**") and on hearing the submissions of counsel for the Receiver ~~and counsel for the Applicant~~  
~~Her Majesty the Queen in Right of Ontario~~, no other persons appearing,

1. THIS COURT ORDERS that the time for service of the Notice of Motion and Motion Record filed on this Motion is hereby abridged, service is validated and that further service thereof is hereby dispensed with such that this Motion is properly returnable today.
2. THIS COURT ORDERS AND DECLARES that the Second Report is approved and the conduct and activities of the Receiver as set out therein are approved.
3. THIS COURT ORDERS that the fees and disbursements of the Receiver for the period November 1, 2018 to July 31, 2019 as set out in the Second Report be and are hereby approved.
4. THIS COURT ORDERS that the fees and disbursements of the Receiver's counsel for the period September 28, 2018 to July 31, 2019 as set out in the Second Report be and are hereby approved.
5. THIS COURT ORDERS that the Receiver's statement of receipts and disbursements as of August 15, 2019, as set out in the Second Report, is hereby approved.



ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

SEP 19 2019

PER / PAR: 

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and-

APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION

Applicant

Respondent

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**PROCEEDING COMMENCED AT  
TORONTO**ORDER****TORKIN MANES LLP**Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto ON M5C 2W7

Stewart Thom (55695C)

sthom@torkinmanes.com

Tel: 416-777-5197

Fax: 1-877-689-3872

Lawyers for the Receiver and Liquidator, RSM Canada  
Limited

RCP-E 4C (May 1, 2016)

I



**Notice to Creditors of Apartments For Living For Physically Handicapped Association**

**NOTICE OF CLAIMS PROCESS FOR APARTMENTS FOR LIVING FOR  
PHYSICALLY HANDICAPPED ASSOCIATION (“ALPHA”)**

By Order of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) dated July 5, 2018, RSM Canada Limited was appointed by the Court as receiver and liquidator (the “**Receiver**”) of all of the assets, undertakings and properties of ALPHA including all proceeds thereof for the purpose of winding up ALPHA’s affairs and distributing its property.

PLEASE TAKE NOTICE that on September 19, 2019, the Court issued an order (the “**Claims Procedure Order**”), a copy of which is enclosed, requiring that all Persons who have and wish to assert a claim against ALPHA shall do so by filing with the Receiver a proof of claim against ALPHA on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the “**Claims Bar Date**”). Completed Proofs of Claim can be sent to the Receiver by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission at the address of the Receiver listed below, but must be received by the Receiver on or before the Claims Bar Date to be considered.

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM(S) AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**Address of the Receiver:**

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

Dated at Toronto this 23<sup>rd</sup> day of September, 2019.

## INSTRUCTION LETTER

Pursuant to an Order of the Ontario Superior Court of Justice dated September 19, 2019 (the “**Order**”), RSM Canada Limited, in its capacity as receiver and liquidator (the “**Receiver**”) has been authorized to conduct a claims procedure in respect of Apartments For Living For Physically Handicapped Association (“**ALPHA**”). A copy of the Order is included with this package.

This Instruction Letter has been prepared to assist persons asserting a claim in filling out the Proof of Claim form with respect to ALPHA. If you have any additional questions regarding completion of the Proof of Claim form, please contact the Receiver at the coordinates shown below.

In the event of any inconsistency between the terms of this Instruction Letter and the terms of the Order, the terms of the Order will govern. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Order.

### **Section 1 – Particulars of Creditor**

- A separate Proof of Claim form must be filed by each legal entity or Person asserting a claim against ALPHA.
- The full legal name of the Person asserting the claim must be provided.
- If the claim has been assigned or transferred to another party, Section 2 must also be completed.
- Unless the claim is assigned or transferred, all future correspondence, notices, etc. regarding the claim will be directed to the address and contact details indicated in the Proof of Claim.

### **Section 2 – Particulars of Original Creditor in case of Assignment**

- If the holder of a claim is the assignee of its claim, then this Section 2 must be completed.
- The full legal name of the original creditor must be provided.
- Please provide particulars of assignment in a separate schedule.
- If the Receiver is satisfied that an assignment or transfer has occurred, all future correspondence, notices, etc. regarding the claim will be directed to the assignee at the address and contact details indicated in the Proof of Claim.

### **Section 3 – Amount of Claim**

- Indicate the amount ALPHA was and still is indebted to the Person asserting the claim on the Proof of Claim.

#### *Currency, Original Currency Amount*

- The amount of the claim is assumed to be in Canadian dollars unless specifically indicated otherwise in the Proof of Claim.
- Claims denominated in a currency other than Canadian dollars will be converted into Canadian dollars by the Receiver using the Bank of Canada noon spot exchange rate on the date on which the claim arose.

#### *Secured*

- Complete this section ONLY if the claim recorded on that line is secured. Do not complete this section if your claim is unsecured.
- If the value of the collateral securing your claim is less than the amount of your claim, enter the shortfall portion on a separate line as an unsecured claim.

- Evidence supporting the security you hold must be submitted with the Proof of Claim form. Provide full particulars of the nature of the security, including the date on which the security was given and the value you attribute to the collateral securing your claim. Attach a copy of all related security documents.

#### *Priority*

- Complete this section ONLY if the amount of your claim has a right to priority.
- If a priority claim is being asserted, please provide details as to the nature of the claim being asserted, and the basis for priority on which you rely.

#### **Section 4 – Particulars of Claim**

- Attach to the Proof of Claim form all particulars of the claim and supporting documentation, including amount, description of transaction(s), agreement(s) or other document(s) giving rise to or evidencing the claim, including invoices, particulars of all credits, offsets or other deductions claimed, description of the security, if any, granted to the holder of the claim and estimated value of such security.

#### **Certification**

- The person signing the Proof of Claim form should
  - be the holder of the claim, or authorized representative of the holder of the claim.
  - have knowledge of all the circumstances connected with the claim.
- By signing and submitting the Proof of Claim, the Creditor is asserting the claim against the ALPHA, as the case may be.

#### **Filing of Claim**

- The Proof of Claim **must be received** by the Receiver on or before 5:00 p.m. (Toronto time) on October 29, 2019 (**the “Claims Bar Date”**).
- Proofs of Claim should be sent by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission to the following address:

RSM Canada Limited  
 Receiver of Apartments for Living for Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
 Telephone: (647) 727-3621  
 Facsimile: (416) 480-2646  
 E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**In the Matter of the Receivership and Liquidation of  
Apartments for Living for Physically Handicapped Association ("ALPHA")**

**PROOF OF CLAIM RE ALPHA**

**1. Particulars of Creditor:**

- (1) Full Legal Name of Creditor: \_\_\_\_\_
- (2) Full Mailing Address of Creditor: \_\_\_\_\_
- (3) Telephone Number of Creditor: \_\_\_\_\_
- (4) Facsimile Number of Creditor: \_\_\_\_\_
- (5) E-mail Address of Creditor: \_\_\_\_\_
- (6) Attention (Contact Person): \_\_\_\_\_

**2. Particulars of Original Creditor from Whom You Acquired Claim, if Applicable:**

- (1) Have you acquired this claim by assignment?

Yes [ \_ ] No [ \_ ]

(if yes, attach documents evidencing assignment)

- (2) Full Legal Name of original creditor(s): \_\_\_\_\_

**3. Claim:**

I, ....., [*name of Creditor or authorized representative of the Creditor*], do hereby certify that I am the Creditor/hold the position of ..... of the Creditor and have knowledge of all the circumstances connected with the claim described herein; and

The Creditor makes the following claim against ALPHA:

Nature of Claim	Claim Amount *	Date of Claim
Secured Claim		
Priority Claim		
Unsecured Claim		

\* Assumes Canadian funds unless indicated otherwise.

**4. Particulars of Claim:**

The particulars of the undersigned's claim against ALPHA are attached.

*(Attach a schedule setting forth full particulars of the claim(s) against ALPHA and supporting documentation, including amount, description of transaction(s) or agreement(s) giving rise to the claim(s), name of any guarantor(s) which has guaranteed the claim(s), and amount of claim(s) allocated thereto, date and number of all invoices, particulars of all credits, discounts, etc. claimed, description of the security, if any, granted and estimated value of such security or title retention arrangement).*

**THIS PROOF OF CLAIM MUST BE RETURNED TO AND RECEIVED BY THE RECEIVER ON OR BEFORE 5:00 P.M. (TORONTO TIME) ON OCTOBER 29, 2019 AT THE FOLLOWING ADDRESS:**

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700  
PO Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**DATED** at ..... this ..... day of ....., 2019.

Witnessed by:

*[If Creditor is individual]*

\_\_\_\_\_

*(sign)* \_\_\_\_\_

\_\_\_\_\_  
Print Name

*[If Creditor is corporation]*

\_\_\_\_\_  
[Print name of Creditor]

Per: *(sign)* \_\_\_\_\_  
Authorized Signing Officer

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR ) THURSDAY THE 19<sup>th</sup>  
JUSTICE HAINES )  
DAY OF SEPTEMBER, 2019

BETWEEN



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

- and -

APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A RECEIVER  
AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**CLAIMS PROCESS ORDER**

THIS MOTION, made by RSM Canada Limited in its capacity as the Court-appointed receiver and liquidator (the "**Receiver**") of all of the assets, undertakings and properties of Apartments For Living For Physically Handicapped Association ("**ALPHA**"), including all proceeds thereof for an order, *inter alia*, approving a Claims Process in respect of proceeds realized from the liquidation of the property of ALPHA, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver dated September 4, 2019 (the "**Second Report**") and on hearing the submissions of counsel for the Receiver, no other persons appearing,

## **SERVICE**

1. THIS COURT ORDERS that the time for service of the Notice of Motion and Motion Record filed on this Motion be and is hereby abridged, service is validated and that further service thereof is hereby dispensed with such that this Motion is properly returnable today.

## **DEFINITIONS**

2. For the purposes of this Order the following terms shall have the following meanings:

- (a) "**BIA**" means the *Bankruptcy and Insolvency Act*, R.S.C. 1985,c. B-3, as amended;
- (b) "**Business Day**" means a day, other than a Saturday, Sunday or statutory holiday;
- (c) "**Claim**" means any claim or liability provable in proceedings under the BIA by a Creditor and includes any right or claim of any Person against ALPHA, whether secured or not, in connection with any indebtedness, liability or obligation of any kind of ALPHA owed to such Person, and any interest accrued thereon or costs payable in respect thereof, including any indebtedness, liability or obligation owed to such Person existing prior to the Appointment Date but does not include the CMHC Mortgage Claim;
- (d) "**Claims Package**" means the documents collectively attached at Schedule "A" to this Claims Process Order;
- (e) "**Claims Process**" means the procedures outlined in this Order and in the Second Report to be implemented in connection with the assertion of any Claims against ALPHA;

- (f) "**Court**" means the Ontario Superior Court of Justice, Commercial List, Toronto, Ontario;
- (g) "**Creditor**" means any Person asserting a Claim against ALPHA;
- (h) "**CMHC Mortgage Claim**" means the secured claim by Canada Mortgage and Housing Corporation;
- (i) "**Appointment Date**" means July 5, 2018;
- (j) "**Known Creditors**" includes all Creditors known to the Receiver as having a Claim or potential Claim against ALPHA;
- (k) "**Notice to Creditors**" means the notice substantially in the form attached hereto as Schedule "B", which is to be published in accordance with the terms of this Claims Process Order;
- (l) "**Notice of Disallowance**" means the notice substantially in the form attached hereto as Schedule "C";
- (m) "**Person**" has the meaning as defined in the BIA;
- (n) "**Proof of Claim**" means the form completed and filed by a Creditor setting forth its Claim with supporting documentation, which proof of claim shall be substantially in the form as that included in the Claims Package; and
- (o) "**Proven Claim**" means a Claim that has been allowed by the Receiver pursuant to the terms of this Order.

### TIMELINES

3. For the purposes of this Order the following terms refer to the following dates:

- (a) "**Claims Bar Date**" means 5:00 PM on October 29, 2019;
- (b) "**Claims Disallowance Date**" means 5:00 PM November 8, 2019;



- (c) "**Claims Disallowance Appeal Date**" means the day which is thirty (30) days from the date on which the Receiver sends a Notice of Disallowance in respect of a Claim;
- (d) "**Claims Disallowance Hearing Date**" means a day which is not later than forty five (45) days from the date a Creditor files and serves a Notice of Motion and supporting affidavit materials appealing the disallowance of a Claim in accordance with the requirements of paragraph 13 of this Order;
- (e) "**Claims Package Date**" means September 27, 2019; and
- (f) "**Receiver Notice Address**" means:

RSM Canada Limited  
11 King St. W., Suite 700, Box 27,  
Toronto, Ontario, Canada, M5H 4C7  
Attn: Brenda Wong  
Fax: 416.480.2646  
Email: [brenda.wong@rsmcanada](mailto:brenda.wong@rsmcanada).

## **CLAIMS PROCESS**

4. THIS COURT ORDERS that the Claims Process and the form of associated documents as attached at Schedules A, B and C hereto, with such minor amendments as the Receiver may deem appropriate, are approved.

5. THIS COURT ORDERS AND DIRECTS that the Receiver is hereby authorized and directed to, on or before the Claims Package Date:

- (a) send a copy of this Claims Process Order, a copy of the Notice to Creditors and a copy of the Claims Package to all known Creditors of ALPHA;
- (b) cause the Notice to Creditors to be published in the National Post and the Windsor Star, or other local publication, for a period of one (1) Business Day; and

- (c) post on the Receiver's website copies of the Notice to Creditors, Claims Process Order and Claims Package.

### **CREDITOR CLAIMS AND CLAIMS BAR DATE**

6. THIS COURT ORDERS that a Creditor who wishes to assert a Claim must file a Proof of Claim, with supporting documentation, with the Receiver, by delivering the Proof of Claim with supporting documentation by ordinary mail, registered mail, courier, facsimile, e-mail message or personal delivery to the Receiver at the Receiver Notice Address on or before the Claims Bar Date.

7. THIS COURT ORDERS that any Creditor who does not file a Proof of Claim on or before the Claims Bar Date shall be barred from advancing any Claim against ALPHA, that the Claims of such Creditor will be forever barred and extinguished and that such Creditor shall not be entitled to any distribution of funds from the estate of ALPHA or the Receiver and shall not be entitled to notice of any further steps taken in this proceeding.

8. THIS COURT ORDERS that the Receiver's compliance with the terms of this Order shall constitute good and sufficient service of such materials to any Person and no further notice or service need be given or made and no other document or material need be served in connection with the Receiver's administration of the Claims Process.

### **REVIEW OF PROOFS OF CLAIM AND CLAIM DISPUTES**

9. THIS COURT ORDERS AND DIRECTS that the Receiver shall review all Proofs of Claim filed on or before the Claims Disallowance Date and the Receiver is authorized and directed to use reasonable discretion as to the adequacy of compliance with the manner in which Proofs of Claim are completed and executed and may, where it is satisfied that a Claim has been adequately completed, waive strict compliance with the requirements of the Claims Process Order as to the completion and execution of the Proof of Claim.

10. THIS COURT ORDERS AND DIRECTS that the Receiver may request further information and documents in respect of a Proof of Claim from the Creditor and such other Persons as reasonably necessary to assess the Proof of Claim.

11. THIS COURT ORDERS AND DIRECTS that after reviewing the Proofs of Claim filed, the Receiver may dispute or disallow a Claim in whole or in part by sending to the Creditor a Notice of Disallowance by the Claims Disallowance Date. Notice of Disallowance may be sent to the address noted in the subject Proof of Claim and, where an e-mail or facsimile address is provided in the Proof of Claim, delivery in that mode shall be sufficient.

12. THIS COURT ORDERS AND DIRECTS that upon receiving notice that a Creditor intends to dispute a disallowance of that Creditor's Claim, the Receiver may attempt to resolve and settle the Creditor's Claim.

13. THIS COURT ORDERS AND DIRECTS that any Creditor who disputes a Notice of Disallowance may appeal the decision of the Receiver communicated therein and seek a determination by the Court of the validity, value of and particulars of its Claim by filing at the Courthouse at 330 University Avenue, 7<sup>th</sup> Floor, Toronto, Ontario and serving upon the Receiver, at the Receiver Notice Address, on or before the Claims Disallowance Appeal Date, a Notice of Motion to appeal the disallowance supported by Affidavit materials, returnable by no later than the Claims Disallowance Hearing Date. The Receiver shall be at liberty, but not obliged, to respond to or appear on the hearing of any such appeal.

14. THIS COURT ORDERS AND DIRECTS that any Creditor who fails to file and serve the Notice of Motion and supporting affidavit material by the Claims Disallowance Appeal Date or fails to schedule a hearing of their appeal on or before the Claims Disallowance Hearing Date shall be deemed to forfeit any rights of appeal and shall be deemed to accept the amount of its Claim as set forth in the Notice of Disallowance and such amounts set forth in the Notice of Disallowance shall constitute a Proven Claim.

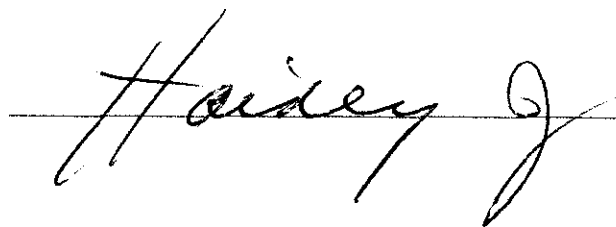
### **CMHC MORTGAGE CLAIM**

15. THIS COURT ORDERS AND DIRECTS that notwithstanding anything else in this Order, the CMHC Mortgage Claim shall not be subject to the Claims Process or any of the provisions herein contained and that the validity and quantum of the CMHC Mortgage Claim shall be assessed by the Receiver in the ordinary course.

**GENERAL PROVISIONS**


16. THIS COURT ORDERS AND DIRECTS that in the event that the day on which any notice or communication required to be delivered pursuant to this Claims Process is not a Business Day, then such notice or communication shall be required to be delivered on the next Business Day.

17. THIS COURT ORDERS AND DIRECTS that in the event of any strike, lock-out or other event which interrupts postal service in any part of Canada, all notices and communications during such interruption may only be delivered by personal delivery, courier, electronic mail or such other method which the Court on application may specify, and any notice or other communication given or made by prepaid mail within the five (5) Business Day period immediately preceding the commencement of such interruption, unless actually received, shall be deemed not to have been delivered. All such notices and communications shall be deemed to have been received, in the case of notice by personal delivery, courier or electronic mail prior to 5:00 p.m. (local time) on a Business Day, when received, if received after 5:00 p.m. (local time) on a Business Day or at any time on a non-Business Day, on the next following Business Day, and in the case of a notice mailed as aforesaid, on the fourth Business Day following the date on which such notice or other communication is mailed.



ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

SEP 19 2019

PER / PAR: 

SCHEDULE "A"  
CLAIMS PACKAGE

**INSTRUCTION LETTER**

Pursuant to an Order of the Ontario Superior Court of Justice dated July 5, 2018 (the "Appointment Order"), RSM Canada Limited was appointed as receiver and liquidator of Apartments For Living For Physically Handicapped Association ("ALPHA").

In its capacity as receiver and liquidator (the "Receiver"), the Receiver has, pursuant to an Order of the Court dated September 19, 2019 (the "Claims Process Order"), been authorized to conduct a claims process in respect of ALPHA. A copy of the Claims Process Order is included with this package.

This Instruction Letter has been prepared to assist persons asserting a claim in filling out the Proof of Claim form with respect to ALPHA. If you have any additional questions regarding completion of the Proof of Claim form, please contact the Receiver at the contact information shown below.

In the event of any inconsistency between the terms of this Instruction Letter and the terms of the Claims Process Order, the terms of the Claims Process Order will govern. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Claims Process Order.

**Section 1 – Particulars of Creditor**

- A separate Proof of Claim form must be filed by each legal entity or Person asserting a claim against ALPHA.
- The full legal name of the Person asserting the claim must be provided.
- If the claim has been assigned or transferred to another party, Section 2 must also be completed.
- Unless the claim is assigned or transferred, all future correspondence, notices, etc. regarding the claim will be directed to the address and contact details indicated in the Proof of Claim.

**Section 2 – Particulars of Original Creditor in case of Assignment**

- If the holder of a claim is the assignee of its claim, then this Section 2 must be completed.
- The full legal name of the original creditor must be provided.
- Please provide particulars of assignment in a separate schedule.
- If the Receiver is satisfied that an assignment or transfer has occurred, all future correspondence, notices, etc. regarding the claim will be directed to the assignee at the address and contact details indicated in the Proof of Claim.

**Section 3 – Amount of Claim**

- Indicate the amount ALPHA was and still is indebted to the Person asserting the claim on the Proof of Claim.

*Currency, Original Currency Amount*

- The amount of the claim is assumed to be in Canadian dollars unless specifically indicated otherwise in the Proof of Claim.
- Claims denominated in a currency other than Canadian dollars will be converted into Canadian dollars by the Receiver using the Bank of Canada noon spot exchange rate on the date on which the claim arose.

*Secured*

- Complete this section ONLY if the claim recorded on that line is secured. Do not complete this section if your claim is unsecured.
- If the value of the collateral securing your claim is less than the amount of your claim, enter the shortfall portion on a separate line as an unsecured claim.

*Priority*

- Complete this section ONLY if the amount of your claim has a right to priority.
- If a priority claim is being asserted, please provide details as to the nature of the claim being asserted, and the basis for priority on which you rely.

**Section 4 – Particulars of Claim**

- Attach to the Proof of Claim form all particulars of the claim and supporting documentation, including amount, description of transaction(s), agreement(s) or other document(s) giving rise to or evidencing the claim, including invoices, particulars of all credits, offsets or other deductions claimed, description of the security, if any, granted to the holder of the claim.
- If your claim is a secured claim, evidence supporting the security you hold must be submitted with the Proof of Claim form. Provide full particulars of the nature of the security, including the date on which the security was given and the value you attribute to the collateral securing your claim. Attach a copy of all related security documents.

**Certification**

- The person signing the Proof of Claim form should
  - be the holder of the claim, or authorized representative of the holder of the claim.
  - have knowledge of all the circumstances connected with the claim.
- By signing and submitting the Proof of Claim, the Creditor is asserting the claim against ALPHA.

**Filing of Claim**

- The Proof of Claim **must be received** by the Receiver on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the “**Claims Bar Date**”).
- Proofs of Claim should be sent by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission to the following address:

RSM Canada Limited  
Receiver of Apartments for Living for Physically Handicapped Association  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**In the Matter of the Receivership and Liquidation of  
Apartments for Living for Physically Handicapped Association ("ALPHA")**

**PROOF OF CLAIM RE ALPHA**

**1. Particulars of Creditor:**

- (1) Full Legal Name of Creditor: \_\_\_\_\_
- (2) Full Mailing Address of Creditor: \_\_\_\_\_
- (3) Telephone Number of Creditor: \_\_\_\_\_
- (4) Facsimile Number of Creditor: \_\_\_\_\_
- (5) E-mail Address of Creditor: \_\_\_\_\_
- (6) Attention (Contact Person): \_\_\_\_\_

**2. Particulars of Original Creditor from Whom You Acquired Claim, if Applicable:**

- (1) Have you acquired this claim by assignment?

Yes [  ] No [  ]

(if yes, attach documents evidencing assignment)

- (2) Full Legal Name of original creditor(s): \_\_\_\_\_

**3. Claim:**

I, \_\_\_\_\_, [*name of Creditor or authorized representative of the Creditor*], am the Creditor/hold the position of \_\_\_\_\_ of the Creditor and have knowledge of all the circumstances connected with the claim described herein; and



The Creditor makes the following claim against ALPHA:

Nature of Claim	Claim Amount *	Date of Claim
Secured Claim		
Priority Claim		
Unsecured Claim		

\* Assumes Canadian funds unless indicated otherwise.

**4. Particulars of Claim:**

The particulars of the undersigned's claim against ALPHA are attached.

*(Attach a schedule setting forth full particulars of the claim(s) against ALPHA and supporting documentation, including amount, description of transaction(s) or agreement(s) giving rise to the claim(s), name of any guarantor(s) which has guaranteed the claim(s), and amount of claim(s) allocated thereto, date and number of all invoices, particulars of all credits, discounts, etc. claimed, description of the security, if any, granted and estimated value of such security or title retention arrangement).*

**5. Submission of Proof of Claim:**

**THIS PROOF OF CLAIM MUST BE RETURNED TO AND RECEIVED BY THE RECEIVER ON OR BEFORE 5:00 P.M. (TORONTO TIME) ON OCTOBER 29, 2019 AT THE FOLLOWING ADDRESS:**

RSM Canada Limited  
 Court-appointed Receiver and Liquidator of ALPHA  
 11 King Street West, Suite 700, Box 27  
 Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
 Telephone: (647) 727-3621  
 Facsimile: (416) 480-2646  
 E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**DATED** at ..... this ..... day of ....., 2019.

I hereby certify that:

- (a) I am the Claimant or authorized representative of the Claimant.
- (b) I have knowledge of all the circumstances connected with this Claim.
- (c) The Claimant asserts this Claim against ALPHA as set out above.

(d) Complete documentation in support of this Claim is attached.

Witnessed by (WITNESS SIGNATURE  
REQUIRED IN THE CASE OF  
INDIVIDUALS):

\_\_\_\_\_

*[If Creditor is individual]*

*(sign)* \_\_\_\_\_

\_\_\_\_\_  
Print Name

*[If Creditor is corporation]*

\_\_\_\_\_  
[Print name of Creditor]

Per: *(sign)* \_\_\_\_\_  
Authorized Signing Officer

SCHEDULE "B"  
NOTICE TO CREDITORS

**Notice to Creditors of Apartments For Living For Physically Handicapped Association**

**NOTICE OF CLAIMS PROCESS FOR APARTMENTS FOR LIVING FOR  
PHYSICALLY HANDICAPPED ASSOCIATION ("ALPHA")**

By Order of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated July 5, 2018, RSM Canada Limited was appointed by the Court as receiver and liquidator (the "**Receiver**") of all of the assets, undertakings and properties of ALPHA including all proceeds thereof for the purpose of winding up ALPHA's affairs and distributing its property.

PLEASE TAKE NOTICE that on September 19, 2019, the Court issued an order (the "**Claims Process Order**"), a copy of which is enclosed, requiring that all Persons who have and wish to assert a claim against ALPHA shall do so by filing with the Receiver a proof of claim against ALPHA on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the "**Claims Bar Date**"). Completed Proofs of Claim can be sent to the Receiver by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission at the address of the Receiver listed below, but must be received by the Receiver on or before the Claims Bar Date to be considered.

**IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIMS BAR DATE, YOUR CLAIM(S) AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCEEDING.**

**Address of the Receiver:**

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

Dated at Toronto this \_\_\_\_ day of September, 2019.

SCHEDULE "C"  
NOTICE OF DISALLOWANCE

**In the Matter of the Receivership and Liquidation of  
Apartments for Living for Physically Handicapped Association ("ALPHA")**

**NOTICE OF REVISION OR DISALLOWANCE**

**IN RESPECT OF CLAIMS AGAINST ALPHA**

To: \_\_\_\_\_

Pursuant to the Claims Process Order, the Receiver hereby gives you notice that the Receiver has reviewed your Proof of Claim and has revised or disallowed all or part of your purported Claim. Subject to further dispute by you in accordance with the Claims Process Order, your Proven Claim will be as follows:

	<b>Currency</b>	<b>Amount as Submitted</b>	<b>Amount Allowed</b>
Secured Claim			
Priority Claim			
Unsecured Claim			
<b>Total Claim</b>			

**Reasons for Revision or Disallowance:**

**SERVICE OF DISPUTE NOTICES**

If you intend to dispute this Notice of Revision or Disallowance, you must, no later than 30 days after the Receiver sends this Notice of Revision or Disallowance, notify the Receiver in writing by prepaid ordinary mail, registered mail, courier, personal delivery or facsimile or other electronic transmission to the following address:

RSM Canada Limited  
Court-appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700, Box 27  
Toronto, Ontario M5H 4C7

Attention: Brenda Wong  
Telephone: (647) 727-3621  
Facsimile: (416) 480-2646  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)

**IF YOU FAIL TO GIVE WRITTEN NOTICE OF INTENT TO DISPUTE THIS NOTICE OF REVISION OR DISALLOWANCE WITHIN THE PRESCRIBED TIME PERIOD, THIS NOTICE OF REVISION OR DISALLOWANCE WILL BE BINDING UPON YOU.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

RSM Canada Limited, solely in its capacity as Court-appointed Receiver and Liquidator of Apartments for Living for Physically Handicapped Association, and not in its personal or corporate capacity

Per: \_\_\_\_\_

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and-

APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION

Applicant

Respondent

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**PROCEEDING COMMENCED AT  
TORONTO**CLAIM PROCESS ORDER****TORKIN MANES LLP**

Barristers &amp; Solicitors

151 Yonge Street, Suite 1500

Toronto ON M5C 2W7

Stewart Thom (55695C)

sthom@torkinmanes.com

Tel: 416-777-5197

Fax: 1-877-689-3872

Lawyers for the Receiver and Liquidator, RSM Canada  
Limited

RCP-E 4C (May 1, 2016)

J

TRADE

TARIFFS ERODE BUSINESS EXPANSION, NAFTA POLL FINDS

International tariffs are putting the brakes on business expansion, posing a bigger hurdle than tax barriers, the cost of transporting goods or compliance with local rules, according to a survey of 1,500 U.S., Mexican and Canadian business leaders...



TAXATION

Canada's top 1% saw fastest income acceleration in 2017

STATCAN STUDY

ANDY BLATCHFORD

OTTAWA - The incomes of Canada's top one per cent grew at a faster pace than everyone else in 2017 - and, overall, they saw their taxes edge down, says a new study. Statistics Canada has found that in 2017 the average total income of all tax-filers rose 2.5 per cent to \$48,400 compared to the previous year...

money to 18.8 per cent from 16.4 per cent. The overall effective tax rate, however, for those in the top one per cent declined to 30.4 per cent in 2017, down from 31.3 per cent the year before, the study says. By comparison, all individual taxpayers, on average, saw an effective tax rate of 11.4 per cent in 2017, while families paid a rate of 15.2 per cent...

AVERAGE INCOME GROWTH (IN 2017) OF \$477,700.

In the top 0.01 per cent, who made \$2.6 million or more, saw their incomes rise 37.2 per cent - making for the fourth-biggest annual increase in the last 35 years. The report's release comes with the federal election campaign in full swing - and political pledges on taxes and helping regular folks with their finances have been prominent...

NDP Leader Jagmeet Singh has pledged to raise the top marginal tax rate - on income over \$210,000 - by two percentage points to 35 per cent. Singh has also vowed to introduce a one-per-cent annual wealth tax for Canada's "super-rich millionaires" - those worth more than \$20 million. When it comes to a breakdown of Canada's top money-makers, the report said the one-per-cent club had 277,695 members in 2017, and 2,760 tax filers were in the top 0.01 per cent - or 92.1 per cent - of those in the top one per cent in 2017 lived in Ontario, Alberta, Quebec or British Columbia...



St. Louis Federal Reserve Bank president James Bullard said Wednesday he doesn't expect the impeachment inquiry into President Donald Trump to affect Fed actions.

ECONOMY

Markets shrug off Trump inquiry

IMPEACHMENT

JONNELLE MARY

St. Louis Federal Reserve Bank president James Bullard said on Wednesday he does not expect the impeachment inquiry into President Donald Trump to affect how the Fed conducts monetary policy. Bullard said in an interview with CNBC that Fed officials are used to dealing with political uncertainty as a backdrop to policy deliberations...

'Coalition of the willing'

CARMICHAEL Continued from F11

Here's the prize: The International Monetary Fund said earlier this year that freer internal trade would increase per capita gross domestic product by about four per cent. It was an astonishing finding, given several studies predict the new North American trade agreement will have essentially no effect on GDP. It makes you wonder what could happen if the council's stability that you hope for, unless you have vibrant firms who are investing and making productivity gains...

Earlier this year, Carolyn Wilkins, senior deputy governor of the Bank of Canada, identified productivity as the economic issue that concerned her most. In April, the central bank lowered the annual rate at which it thinks the economy can grow without stoking inflation to 1.8 per cent, mostly because the amount of goods and services generated by workers had declined. "You can't have a healthy economy, you can't have the labour market performing that you hope for, the financial stability that you hope for, unless you have vibrant firms who are investing and making productivity gains...

Minister Bill Morneau said a year ago that he would get serious about making business easier. Both of the leading parties have promised new housing sops that would hurt economic dynamism by steering capital toward real estate and construction, two of the most unproductive segments of the economy. In some ways, Kenney is more anti-hero than hero. His campaign against carbon taxes will probably leave him on the wrong side of history, and he is trading national unity by continuing to threaten a referendum on the equalization program...

NOTICE OF CLAIMS PROCESS FOR APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION (ALPHA) By Order of the Ontario Superior Court of Justice (Commercial and the "Court") dated July 5, 2018, RSM Canada Limited was appointed by the Court as receiver and liquidator of the Association...

NOTICE OF MEETINGS AND RECORD DATE For the purpose of the Exchange traded on the TSX, the 2019 AGM of the Corporation will be held on September 26, 2019. The meeting will be held at the registered office of the Corporation, 100 King Street West, Suite 2000, Toronto, Ontario M5X 1C7.

How profligate borrowing became Canada's national pastime. Comment, financialpost.com. Bullard called the "biggest issue" in the economy. He said the dispute became more "pernicious" than expected and added it could be a "white" before agreements are reached. "I think the Chinese might have incentive to wait out this administration," he said.



## SECURITIES

## Investors embrace Videotron's \$800M sale of bonds

ESTEBAN DUARTE  
AND PAULA SAMBO

TORONTO Videotron Ltd.'s \$800 million of bonds rose in its first day of trading as the largest high-yield bond in the Canadian bond market got a warm reception from investors.

The notes, which were priced at par Tuesday, are being quoted at about 100.5 cents, according to Industrial Alliance data on Wednesday. The deal was oversubscribed around three times, according to people familiar with the matter.

Videotron's deal is the third junk-rated senior unsecured isonic bond sale after Cominar Real Estate Investment Trust and Kruger Packaging Holdings priced transactions earlier this year. While Videotron was able to double the size of its deal from \$400 million, Stelco Holdings Inc., a Canadian company rated five steps below than Videotron, had to pull a U.S. dollar sale Tuesday.

"Videotron is perceived as investment-grade quality trading at high-yield spreads," said Sue McNamara, at Beutel Goodman & Co., which oversees \$42 billion of assets. "They have not been in the Canadian market since 2015."

S&P Global Ratings grades Videotron at BB+, or one step below investment grade, while Moody's Investors Service has it at the equivalent rating, Baa1. The transaction was placed with 69 buyers and fills were between 10 per cent and 15 per cent, according to people familiar with communications provided by deal arrangers to investors. The 4.5 per cent bonds mature in 2030.

Companies such as Russell Metals Inc., Cascades Inc. and Parkland Fuel Corp, which have callable debt, are companies investors may expect to follow suit, said Dhruv Mallick, a high-yield portfolio manager at Leith Wheeler Investment Counsel Ltd. Air Canada may be another company on investors' radars, he said.

Toronto-Dominion Bank, Bank of Montreal, Royal Bank of Canada and Scotiabank were the bookrunners of the deal, Bloomberg data show. Videotron is the largest high-yield bond issue out of the Canadian market, Bank of Montreal analysts said in a note to investors Tuesday.

A representative for Videotron's parent company Quebecor Inc. did not return a call and emailed request for comment.

Bloomberg



Videotron had the largest high-yield bond in the Canadian market.

PAUL CHASSAN  
THE CANADIAN PRESS



Newly selected International Monetary Fund Managing Director Kristalina Georgieva, only the second woman to hold the position, says her priority would be to help the bank's 189 member countries minimize risks, as well as to be attentive to all members, big or small. BRIC BARADAT/AFPG/STYLLAOS

## Champion of gender equality becomes first IMF chief from emerging economy

Ex-World Bank economist from Bulgaria takes on rebuilding group's legitimacy

DAVID LAWDER  
AND TSVETELIA TSOLOVA

NEW YORK/SOFIA Bulgarian economist Kristalina Georgieva was confirmed on Wednesday as managing director of the International Monetary Fund, becoming the first head of the US\$1 trillion-asset global lender from an emerging market economy.

A centre-right politician who grew up in Bulgaria under Communism, Georgieva built a reputation during her time at the World Bank — where she has been on a leave of absence from her post as chief executive officer during the IMF nomination process — and the European Commission as a tenacious straight-shooter, champion of gender equality and leader in the global fight against climate change.

She will face a host of challenges as the head of the IMF, the world's crisis lender, including a global economic slowdown triggered by escalating trade tensions between the United States and China.

"Warnings signs are flashing, and we must be ready to be tested," Georgieva, 66, told reporters at the bank's Washington headquarters after her confirmation.

In addition to economic woes, the United States, which represents the largest voting bloc on the IMF board, has withdrawn from multilateral accords, and risks are growing in emerging mar-

kets like Argentina, which last year received a US\$87-billion bailout, the IMF's largest ever.

Georgieva said her priority would be to help the bank's 189 member countries minimize risks. "The bank would aim to be attentive to all members, big or small, she added.

Georgieva, backed by French President Emmanuel Macron, last month won support from the rest of the European Union, as well as tacit backing from the United States.

In her new role, she will need to work on rebuilding the institution's legitimacy among emerging market economies," said Eswar Prasad, a Cornell University professor who is the former head of the bank's China department.

The world's "major advanced economies continue to view the key international financial institutions as their fiefdoms," he said.

An IMF board source told Reuters before Wednesday's confirmation that Georgieva was ready for the job. "She has convinced the board that she is the leader that the institution needs and will be a strong advocate for the multilateral system," the source said, speaking on condition of anonymity because the board's deliberations are not public.

Georgieva's nomination spawned great pride in her home country.

"Only 20 years ago, Bulgaria was among the countries with an

IMF rescue program," the leading financial newspaper Kapital said earlier this month. "The nomination of the former Bulgarian EU commissioner should be seen not only as her personal acknowledgement, but as a diplomatic success for the country."

Georgieva replaces Christine Lagarde, who became the first woman to head the IMF when

she took office. She is departing to head the European Central Bank.

Before her appointment at the World Bank, Georgieva held numerous senior European Commission posts, including budget commissioner, and has deep knowledge of emerging market countries served by the World Bank.

Scott Morris, a senior fellow at the Center for Global Development, said Georgieva quickly made an impact after assuming the No. 2 role at the World Bank in early 2017. She pushed for consensus on a US\$18-billion capital increase and reform package agreed last year. Under the reforms, lending to China and other wealthier developing countries will decrease with more resources going to needier countries.

"She was able to bring together a diverse group of shareholders. That's her strength. What's less clear is how she will handle the day-to-day business of the fund, that business being the crisis moments. It's harder to see how she will respond in a crisis."

Morris said Lagarde was successful in that she was not viewed as representing European interests, which helped her navigate the Greek debt crisis. Georgieva will have to take a similar multilateral approach, keeping her focus on the interests of the institution and individual countries.

"No one thought of Lagarde as a European chief executive," Morris said. "She rose above that."

Reuters

*She was able to bring together a diverse group of shareholders. That's her strength. What's less clear is how she will handle the day-to-day business of the fund, that business being the crisis moments.*

she took the helm in 2011. Lagarde, 63, guided the lender through the European sovereign debt crisis,

**"THE LEGAL EDGE TEAM"**  
Real Estate Advisors  
**MANOR**  
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**NOTICE OF CLAIMS PROCESS FOR APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION ("ALPHA")**  
By Order of the Ontario Superior Court of Justice (Commercial List) the "Court" dated July 5, 2018, RSM Canada Limited was appointed by the Court as receiver and liquidator (the "Receiver") of all of the assets, undertakings and property of ALPHA including all proceeds thereof for the purpose of winding up ALPHA's affairs and distributing its property.  
PLEASE TAKE NOTICE that on September 19, 2018, the Court issued an order requiring that all persons who have and wish to assert a claim against ALPHA shall do so by filing with the Receiver a proof of claim against ALPHA (the "Proof of Claim") (the "Proof of Claim") on or before 5:00 p.m. (Toronto time) on October 29, 2019 (the "Claim Bar Date"). Completed Proofs of Claim can be sent to the Receiver by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile or other electronic transmission at the address of the Receiver listed herein, but must be received by the Receiver on or before the Claim Bar Date to be considered.  
The Proof of Claim and liquidation order for completing the Proof of Claim may be obtained from the Receiver by contacting Brenda Wong at [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com).  
IF YOUR PROOF OF CLAIM IS NOT RECEIVED BY THE RECEIVER BY THE CLAIM BAR DATE, YOUR CLAIMS AGAINST ALPHA WILL BE FOREVER BARRED AND EXTINGUISHED AND YOU SHALL NOT BE ENTITLED TO ANY DISTRIBUTION IN RESPECT OF THE CLAIM OR ANY FURTHER NOTICE OR ORDER MADE OR STEPS TAKEN IN THIS PROCESSING.  
Address of the Receiver:  
RSM Canada Limited  
Court appointed Receiver and Liquidator of ALPHA  
11 King Street West, Suite 700  
Toronto, Ontario M5X 1C7  
Attention: Brenda Wong  
Telephone: (416) 723-2621  
Facsimile: (416) 462-0148  
E-mail: [brenda.wong@rsmcanada.com](mailto:brenda.wong@rsmcanada.com)  
Dated at Toronto this 20th day of September, 2019.

K



Summerside PE C1N 6A2

0008348

### Notice details

<b>Business number</b>	11878 8082 RC0001
<b>Date issued</b>	Feb 21, 2020

APARTMENTS FOR LIVING FOR  
 PHYSICALLY HANDICAPPED ASSOCIA  
 C/O RSM CANADA LIMITED  
 RECEIVER RE ALPHA  
 11 KING ST W SUITE 700 BOX 27  
 TORONTO ON M5H 4C7

## Corporation income tax assessment

These notice(s) explain the results of our assessment of your T2 Corporation Income Tax Return(s). We assessed your T2 Corporation Income Tax Return(s) and calculated your balance.

The amount you need to pay is **\$7,162.11**.

To avoid additional interest charges, please pay by **March 12, 2020**.

Thank you,

Bob Hamilton  
Commissioner of Revenue

### Account summary

Previous payments may not appear if they have not been processed. If you have already paid the balance owing, please ignore this request.

**Total balance:**            **\$7,162.11**

**Pay by:**                      **March 12, 2020**

### Go paperless!

Get your mail online through My Business Account.

1. Log in at **canada.ca/my-cra-business-account**
2. Select "Notification preferences"



Summerside PE C1N 6A2

APARTMENTS FOR LIVING FOR  
PHYSICALLY HANDICAPPED ASSOCIA  
C/O RSM CANADA LIMITED  
RECEIVER RE ALPHA  
11 KING ST W SUITE 700 BOX 27  
TORONTO ON M5H 4C7

### Notice details

<b>Business number</b>	11878 8082 RC0001
<b>Tax year-end</b>	Mar 31, 2019
<b>Date issued</b>	Feb 21, 2020

## Corporation notice of assessment

### Results

This notice explains the result of our assessment of your T2 Corporation Income Tax Return. It also explains any changes we may have made. For more information, please see the summary section of this notice.

Description	\$ Amount	CR
Result of this Assessment		0.00
Previous balance		7,162.11
<b>Total balance</b>		<b>7,162.11</b>

If you pay the full amount by **March 12, 2020**, we will not charge more interest. If a credit becomes available on the same or a related business account, we will apply that credit to any amount you owe.

For more information, please see the summary and explanation of changes and other important information sections of this notice.

Thank you,

Bob Hamilton  
Commissioner of Revenue

APARTMENTS FOR LIVING FOR  
PHYSICALLY HANDICAPPED  
ASSOCIATION

**Notice details**

<b>Business number</b>	11878 8082 RC0001
<b>Tax year-end</b>	Mar 31, 2019
<b>Date issued</b>	Feb 21, 2020

**Summary**

Description	\$ Reported	CR	\$ Assessed	CR
<b>Federal tax</b>				
Part I	0.00		0.00	
<b>Total federal tax</b>			<b>0.00</b>	
<b>Net balance</b>			<b>0.00</b>	
<b>Result of this assessment</b>			<b>0.00</b>	
<b>Total balance for this tax year-end</b>			<b>7,162.11</b>	

**Explanation of changes and other important information**



## More information

If you need more information, go to [canada.ca/en/services/taxes](http://canada.ca/en/services/taxes).

To see your latest account information, including payment transactions, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).

If you have new or additional information and want to change your return, go to [canada.ca/t2-return](http://canada.ca/t2-return) and select the topic "After you file your corporation income tax return." For faster service, submit your request electronically.

If you disagree with this assessment, go to [canada.ca/t2-return](http://canada.ca/t2-return) and select the topic "After you file your corporation income tax return," and then "Resolving disputes." You have 90 days from the date of this notice to register your dispute.

## Definitions

**CR** (credit) is the amount we owe you.

## Help for persons with visual impairments

You can get this notice in braille, large print, or audio format. For more information about other formats, go to [canada.ca/cra-multiple-formats](http://canada.ca/cra-multiple-formats).

### My Business Account

Use **My Business Account** to see and manage your tax information online. Check your return balances, manage direct deposit and addresses, submit an enquiry, set up online mail, and more. To register for **My Business Account**, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).



Summerside PE C1N 5Z7

0008350

### Remittance details

<b>Business number</b>	11878 8082 RC0001
<b>Date issued</b>	Feb 21, 2020

APARTMENTS FOR LIVING FOR  
 PHYSICALLY HANDICAPPED ASSOCIA  
 C/O RSM CANADA LIMITED  
 RECEIVER RE ALPHA  
 11 KING ST W SUITE 700 BOX 27  
 TORONTO ON M5H 4C7

### How do you pay?

You can pay:

- online or by phone using a Canadian financial institution's services
- online at **canada.ca/cra-my-payment**
- online by setting up a pre-authorized debit agreement at **canada.ca/my-cra-business-account**
- in person with your remittance voucher at your Canadian financial institution or, for a fee, at a Canada Post retail outlet (cash or debit only)

**Note:** There is a QR code printed on your remittance voucher that contains all the information required to make your payment with cash or debit at a Canada Post retail outlet.

For more information on how to make a payment, go to **canada.ca/payments**.

### Need more time to pay?

If you cannot pay in full and would like more information, go to **canada.ca/cra-collections**.

To discuss a payment arrangement, call the CRA at **1-866-291-6346**, Monday to Friday (except holidays) from 7:00 a.m. to 11:00 p.m., Eastern time.



Canada Revenue Agency

Agence du revenu du Canada

Protected B when completed

**Corporation Income Tax**  
**Amount Owning Remittance Voucher**  
 Pay online or at your financial institution

Business Name  
APARTMENTS FOR LIVING FOR

Business Number  
11878 8082 RC 0001

71

7



*Privacy Act,*  
Personal Information Bank number CRA PPU 047

Amount owing (\$)  
7,162.11

Amount paid

[Empty box for amount paid]

RC159 E (18)X

0720090071000700118788082RC00010000000000007162110720098



Amount paid

Teller's Stamp

---

We will charge a fee for any dishonoured payment.  
DO NOT staple, paper clip, tape or fold this voucher  
and do not use photocopied remittance vouchers.  
DO NOT mail cash.  
If an envelope accompanied this voucher, please ensure the  
address below appears in the window of the envelope provided.

Teller's Stamp

CANADA REVENUE AGENCY  
PO BOX 3800 STN A  
SUDBURY ON P3A 0C3





Canada Revenue Agency  
Agence du revenu  
du Canada

Tax Centre  
Hamilton ON L8R 3P7

October 13, 2020

APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION  
C/O RSM CANADA LIMITED  
RECEIVER RE ALPHA  
11 KING ST W SUITE 700 BOX 27  
TORONTO ON M5H 4C7

Account Number  
11878 8082 RC0001

Dear Sir or Madam:

Re: APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION  
of the City of Windsor in the Province of Ontario  
Date of the receivership: July 5, 2018

Please find enclosed our amended claim and supporting schedule in  
the above-noted insolvency event for the amount of \$7,200.58.

Issue dividend payment directly to the Receiver General quoting  
the account number shown on the schedule.

Please send individual, corporate and payroll dividend payments  
to:

Canada Revenue Agency  
PO BOX 3800 STN A  
Sudbury ON P3A 0C3

Please send goods and services tax/harmonized sales tax (GST/HST)  
remittances, including dividend payments to the applicable  
tax centre (shown on your client's GST/HST return).

If you need more information about this claim, such as a more  
detailed breakdown of the debt, please contact the undersigned at  
one of the telephone numbers provided in this letter.

Yours truly,

*Per*  
K. Figaszewska (1214)  
Insolvency Officer

Enclosure(s)

**Canada**

National Insolvency Office  
55 Bay Street North  
Hamilton ON L8R 3P7

Local : 416-997-1102  
Toll Free : 1-855-630-8851  
Fax : 905-570-8247  
Web site : canada.ca/taxes

Proof of Claim (Form 31)  
(Sections 50.1, 81.5, 81.6, subsections 65.2(4), 81.2(1), 81.3(8),  
81.4(8), 102(2), 124(2), 128(1), and paragraphs 51(1)(e)  
and 66.14(b) of the Act)

Send all notices or correspondence regarding this claim to the following address:

Canada Revenue Agency  
Shawinigan National Verification and Collection Centre  
Insolvency Intake Centre  
Collections Directorate  
4695 Shawinigan-Sud Blvd.  
Shawinigan QC G9P 5H9

Attention: K. Figaszewska

In the matter of the receivership of APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION of the City of Windsor in the Province of Ontario, and the claim of Her Majesty the Queen in Right of Canada as represented by the Minister of National Revenue, creditor.

I, K. Figaszewska, of the City of Hamilton in the Province of Ontario, do hereby certify:

1. That I am a collections officer of the Canada Revenue Agency.
2. That I have knowledge of all the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of the receivership namely the 5th day of July 2018, and still is, indebted to the creditor in the sum of \$7,200.58, as specified in the statement of account attached and marked Schedule "A", after deducting any counterclaims to which the debtor is entitled.
4. (X) UNSECURED CLAIM of \$7,200.58. That in respect of this debt, I do not hold any assets of the debtor as security.
5. That, to the best of my knowledge, the above-named creditor is not related to the debtor within the meaning of section 4 of the Act, and has not dealt with the debtor in a non-arm's length manner.

6. That the following are the payments that I have received from, and the credits that I have allowed to the debtor within the three months immediately before the date of the initial bankruptcy event within the meaning of section 2 of the Act.

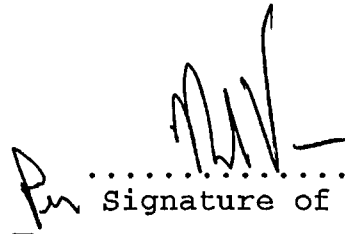
-NIL-

Dated at the City of Hamilton on the 13th day of October 2020.



.....

Witness



.....

Signature of claimant

Schedule "A"

Name: APARTMENTS FOR LIVING FOR PHYSICALLY HANDICAPPED ASSOCIATION

Unsecured claim

Income Tax Act

Account number: 118788082 RC0001

Assessed period(s): 2008-2013

Principal: \$3,511.00

Penalty and interest: \$3,689.58

Total: \$7,200.58

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Total Unsecured claim \$7,200.58

L



PROTECTED

### STATEMENT OF ACCOUNT FOR PAYMENT IN FULL PURPOSES

Ministry of Housing 777 Bay St., 14th Floor Toronto, Ontario M5G 2E5	<b>CMHC REFERENCE</b>	: 08-219-347
	<b>LOAN AMOUNT</b>	: \$711,888.30
	<b>MTG INTEREST RATE</b>	: 9.375%
	<b>BORR INTEREST RATE</b>	: 8.00%
	<b>ORIG. MATURITY DATE</b>	: 2029-01-01
	<b>CURRENT AMTZ PRD/TERM</b>	: 50 Years
	<b>BORROWER PYMT AMT</b>	: \$4,763.01
Attention: Upma (Mona) Das	<b>FEDERAL ASSISTANCE</b>	: \$749.48

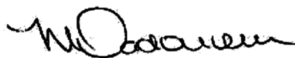
**MORTGAGOR:** Alpha  
**PROPERTY ADDRESS:** 3185 Forest Glade Dr., Windsor, ON, N8R 1W7

<b>Principal and Interest Outstanding as at December 1st, 2020</b>	\$376,280.23
Plus: Prepayment Penalty	\$124,024.00
Plus: Unearned Capital Contribution	\$ 12,787.59
Plus: E- Reg Fee	\$ <u>77.62</u>
<b>Total amount due and payable as at December 1st, 2020</b>	<b>\$512,169.44</b>

Per Diem Interest: \$ 79.60

**NOTE:** This Statement of Account is for Payment in Full Purposes as at December 1<sup>st</sup>, 2020. Payment in full must include per diem interest of \$79.60 from December 2<sup>nd</sup>, 2020 to the date payment is received in this office. The statement is valid only up to and including December 31<sup>st</sup>, 2020. Should you decide to pay this loan in full after this date, you are requested to contact this CMHC office.

  
 Prepared by: Roxanne Brunet  
 Date: December 18, 2020

  
 Approved by: Marie-France Ladouceur  
 Date: December 18, 2020

E. & O. E

**M**

**Torkin Manes LLP**  
Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto, Ontario M5C 2W7

Tel: 416-863-1188  
Fax: 416-863-0305  
www.torkinmanes.com

**Barry A. Cohen, Q.C. LL.M.**  
Direct Dial: 416-777-5434  
Direct Fax: 1-888-812-2564  
bcohen@torkinmanes.com

Our File No: 34487.0003

An international  
member of  
**AllyLaw**

August 13, 2018

**Private and Confidential**

**Delivered by e-mail: [daniel.weisz@rsmcanada.com](mailto:daniel.weisz@rsmcanada.com)**

Mr. Daniel Weisz  
RSM Canada  
11 King St. W., Suite 700  
Toronto, ON M5H 4C7

Dear Sir:

**Re: Receivership of Apartments for Living for Physically Handicapped Association  
("ALPHA")**

---

You have requested us to review and provide you with our opinion as to the validity of a mortgage granted by ALPHA to Canada Mortgage and Housing Corporation ("CMHC") over property municipally known as 3185 Forest Glade, Windsor, Ontario (the "Property").

In forming our opinion expressed below, we have examined a copy of the mortgage to CMHC (as registered on title) and have also conducted a sub-search of title to the Property.

Our opinion, subject to the qualifications contained in this letter of opinion, is that:

1. The mortgage to CMHC was registered on title to the Property on December 30, 1980.
2. The mortgage to CMHC was in the principal sum of \$790,987.
3. The mortgage to CMHC matures (subject to default provisions being invoked) on January 1, 2029.
4. Pursuant to our sub-search of the Property, the mortgage to CMHC is a first registered mortgage on the Property.



Based on the above, (subject to the following qualifications) the mortgage to CMHC has been properly registered against the Property and constitutes a valid and binding obligation of ALPHA in favour of CMHC and is enforceable by CMHC in accordance with the terms contained in the CMHC mortgage.

#### Qualifications

1. We have assumed that all documents were executed on the date indicated therein;
2. We have assumed the genuineness of all signatures and legal capacity of ALPHA and the conformity to the original documents of all documents submitted to us;
3. We have assumed the accuracy and currency of the indices and filing systems maintained at the public offices where we have searched or inquired or have caused such searches or inquiries to be conducted;
4. We have assumed that ALPHA has no legal defences against CMHC for, without limitation, absence of legal capacity, fraud by or to the knowledge of CMHC, misrepresentation, undue influence or duress;
5. We have assumed that the mortgage to CMHC was delivered by ALPHA as security for CMHC loan to it;
6. We have assumed that monies were in fact advanced, or value was given by CMHC to ALPHA and that monies are in fact owing to CMHC with respect to the mortgage obligation of ALPHA as of the date hereof;
7. We express no opinion as to:
  - (a) the enforcement of the security by CMHC, or any judgment arising out of or in connection therewith, and the priority of any rights thereunder, or if it may be limited by any applicable Bankruptcy, insolvency, moratorium or other laws of general application affecting CMHC's rights from time to time in effect, and is subject to general principles of equity including the equitable or statutory powers of the courts of Ontario and Canada to stay proceedings, stay the execution of judgment and grant relief against forfeiture; and
  - (b) the priority of CMHC's interest vis-à-vis other creditors of ALPHA, other than with respect to the first on title registered mortgage in favour of CMHC.
8. We are qualified to render opinions in this regard only as to the laws in force in the Province of Ontario and the applicable federal laws of Canada as currently applied and in force in Ontario and accordingly we render no opinion with respect to any other security delivered by ALPHA or which has been registered in provinces other than Ontario; and

9. This opinion is confined to statements of fact or matters set forth herein as existing as at the date of this opinion.

Based upon and subject to the foregoing, we are of the opinion that:


- (a) The CMHC mortgage was validly registered in the Land Titles System. A realty search against ALPHA revealed that CMHC has properly registered its mortgage on title to the Property; and
- (b) Based upon the above, the CMHC mortgage has been validly registered and constitutes a valid and binding obligation of ALPHA in favour of CMHC and is enforceable by CMHC in accordance with its mortgage terms against the Receiver.

The opinions expressed herein are provided solely for the benefit of the party to whom it is delivered and may not be relied upon or used by any other person for any reason whatsoever.

Yours very truly,

**TORKIN MANES LLP**

Per:



Barry A. Cohen, Q.C.  
BAC/db

**N**

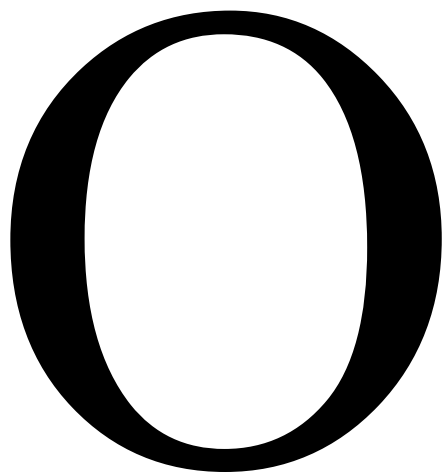
**RSM Canada Limited**  
**Court Appointed Receiver and Liquidator of**  
**Apartments for Living for Physically Handicapped Association**  
**Interim Statement of Receipts and Disbursements**  
**For the period July 5, 2018 to December 22, 2020**

Receipts	
Cash	\$ 483,795
Provincial subsidy (1)	99,981
Sale of property	630,000
Interest earned	21,258
Other	220
<b>Total receipts</b>	<b>\$ <u>1,235,254</u></b>
Disbursements	
Commission on sale of property	\$ 31,500
Insurance	4,400
Legal fees (to Nov. 30, 2020)	47,196
Miscellaneous	2,723
Mortgage payments (2)	138,127
Property Manager	13,178
Receiver's fees (to Nov. 30, 2020)	141,433
Repairs and maintenance	7,441
Security	2,866
Utilities	9,656
HST/PST paid	31,627
<b>Total disbursements</b>	<b>\$ <u>430,147</u></b>
<b>Net funds on hand</b>	<b>\$ <u><u>805,107</u></u></b>

Note: (1) This amount is the total of the monthly MOHLTC Supportive Housing subsidy received by ALPHA up until January 31, 2019.

(2) The net amount of \$4,763.01 is payable monthly on account of the CMHC mortgage, after deduction of a federal subsidy of \$749.48. The federal subsidy is not recorded above as it is not a cash receipt.

*This Appendix forms part of the Third Report of the Receiver dated December 23, 2020 and should only be read in conjunction therewith.*



Court File No. CV-18-596938-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Applicant

- and –

**APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION**

Respondent

**AFFIDAVIT OF DANIEL WEISZ**  
**(Sworn December 23, 2020)**

I, **DANIEL WEISZ**, of the City of Vaughan, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a Senior Vice-President of RSM Canada Limited ("**RSM**") and as such I have personal knowledge of the matters to which I hereinafter depose, save and except those matters based upon information and belief, in which case I have stated the source of such facts, all of which I verily believe to be true.

2. Pursuant to an order of the Court dated July 5, 2018, RSM Canada Limited was appointed receiver and liquidator (the “Receiver”), without security, of all of the assets, undertakings and properties of Apartments for Living for Physically Handicapped Association (“ALPHA”), including all proceeds thereof.

3. Attached hereto and marked as Exhibit “A” to this my affidavit are copies of invoices issued by RSM for fees and disbursements incurred by the Receiver in respect of these proceedings for the period August 1, 2019 to November 30, 2020 (the “Period”). The total fees and disbursements charged for the Period are \$48,270.70, plus HST of \$6,275.22 for a total of \$54,545.92. The average hourly rate charged during the Period was \$419.55.

4. The invoices are a fair and accurate description of the services provided and the amounts charged by RSM for the Period.

5. Attached hereto and marked as Exhibit “B” is a schedule summarizing the invoices in Exhibit “A”, the total billable hours charged, the total fees charged and the average hourly rate charged.

6. I make this affidavit in support of a motion for an Order approving the Receiver’s fees and disbursements and for no other or improper purpose.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario, this 23rd day of December, 2020



A Commissioner, etc.

)  
)  
)  
)  
)  
)  
)  
)  
)



DANIEL WEISZ

**THIS IS EXHIBIT "A" REFERRED TO IN THE  
AFFIDAVIT OF DANIEL WEISZ SWORN BEFORE ME  
THIS 23rd DAY OF DECEMBER, 2020**

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke at the end.

---

A Commissioner, etc.





GST/HST: 80784 1440 RT 0001

**RSM CANADA LIMITED**  
**Licensed Insolvency Trustee**  
 11 King St W, Suite 700, Box 27  
 Toronto, ON M5H 4C7

T +1 416 480 0160  
 F +1 416 480 2646

www.rsmcanada.com

**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** October 4, 2019

**Client File** 783-338-4

**Invoice** 13

**No.** 5795110

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending August 31, 2019.

Date	Professional	Description
08/01/2019	Brenda Wong	Review online statement for monthly mortgage payment; review cash on hand and prepare letter to BMO to re-invest funds in short term investment; prepare banking documentation for processing of same.
08/06/2019	Brenda Wong	Review summary of activities.
08/06/2019	Daniel Weisz	Review summary of activities.
08/08/2019	Anne Baptiste	Posting of preauthorized debit transaction; prepare disbursement cheque; filing of banking documentation.
08/12/2019	Brenda Wong	Prepare updated statement of receipts and disbursements (“R&D”) and fee affidavit; start drafting Receiver’s Second Report to Court (“Second Report”).
08/13/2019	Brenda Wong	Continue drafting the Receiver’s Second Report.
08/16/2019	Anne Baptiste	Post receipts to Ascend; process cheque requisitions and post investments.
08/16/2019	Daniel Weisz	Review and update the Second Report and discussion with B. Wong on same.
08/19/2019	Brenda Wong	Review changes to draft report; prepare draft claims forms and notice.
08/19/2019	Daniel Weisz	Review draft forms re proposed claims process and discussion with B. Wong on same.
08/20/2019	Daniel Weisz	Discussion with S. Thom of Torkin Manes LLP (“Torkin”) re status of the receivership; review amount of mortgage outstanding and cash on hand and email to S. Thom re same.
08/21/2019	Brenda Wong	Review changes to draft report by Torkin; review and update R&D; prepare journal entries for posting of all post-receivership transactions to Ascend.
08/21/2019	Daniel Weisz	Email and discussion with S. Thom re finalization of the Receiver’s report and seeking a Court date; review S. Thom comments on draft report and update report; discussion with B. Wong on R&D.

October 4, 2019  
 Invoice 13  
 Page 2

Date	Professional	Description
08/22/2019	Anne Baptiste	Filing of banking documentation.
08/22/2019	Bhavin Oza	Discussions with Canada Revenue Agency re tax adjustments to 2008 to 2018 returns.
08/22/2019	Daniel Weisz	Discussion with a representative of Canada Revenue Agency re corporate tax returns filed.
08/27/2019	Brenda Wong	Reference draft report to source documents and make additional updates to the report.
08/29/2019	Daniel Weisz	Discussion with S. Thom re status of application to the court; discussion with B. Wong on status of the Second Report.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	2.90	\$ 525	\$ 1,522.50
Brenda Wong, CIRP, LIT	Senior Manager	7.40	\$ 395	2,923.00
Bhavin Oza, CPA, CA	Senior Manager*	1.00	\$ 395	395.00
Anne Baptiste	Estate Administrator	0.70	\$ 110	77.00
<b>Total hours and professional fees</b>		<b>12.00</b>		\$ 4,917.50
HST @ 13%				639.28
<b>Total payable</b>				<b>\$ 5,556.78</b>

\*RSM Canada LLP

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



GST/HST: 80784 1440 RT 0001

**RSM CANADA LIMITED**  
**Licensed Insolvency Trustee**  
 11 King St W, Suite 700, Box 27  
 Toronto, ON M5H 4C7

T +1 416 480 0160  
 F +1 416 480 2646

www.rsmcanada.com

**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** October 7, 2019

**Client File** 783-338-4

**Invoice** 14

**No.** 5795216

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending September 30, 2019.

Date	Professional	Description
04/23/2019**	Ninanori Agustin	Meeting with B. Oza re ALPHA's financial statements provided and findings; prepare 2009 to 2018 tax returns based on updated working paper; prepare RC199 VDP application, and cover letter.
09/03/2019	Brenda Wong	Prepare appendices for the Receiver's report.
09/03/2019	Daniel Weisz	Review and update report; review draft notice of motion and provide comments to S. Thom of Torkin Manes LLP (“Torkin”); review, finalize and swear affidavit of fees; review S. Thom comments on proof of claim form.
09/04/2019	Brenda Wong	Finalize the Receiver's Second Report.
09/04/2019	Daniel Weisz	Review, finalize and sign Second Report to court; attend at Torkin and meet with S. Thom re same.
09/04/2019	Anne Baptiste	Prepare July bank reconciliation; filing re banking; prepare disbursement cheques.
09/05/2019	Daniel Weisz	Discussion with S. Thom; preliminary review of draft court order re claims process and email to S. Thom re same.
09/06/2019	Brenda Wong	Prepare instruction letter for proof of claim package and send to Torkin for review; review draft order and email to Torkin re same and review revised order.
09/10/2019	Brenda Wong	Review Canada Revenue Agency (“CRA”) Notices of Assessment for 2008 to 2012 tax returns.
09/11/2019	Daniel Weisz	Email to S. Thom re status of draft court order; discussion with S. Thom re same; review updated claims procedure order and email to S. Thom on same.
09/16/2019	Brenda Wong	Call with J. Aubrey of CRA to discuss status of returns; prepare ad for claims process; call and email to Postmedia re placing advertisement in National Post and Windsor Star; review draft claims process order.

Date	Professional	Description
09/16/2019	Daniel Weisz	Discussion with S. Thom re court order re claims process; review updated draft court orders and email to S. Thom re same and discussion with S. Thom re same.
09/17/2019	Brenda Wong	Review summary of activities.
09/18/2019	Daniel Weisz	Discussion with S. Thom re court attendance tomorrow.
09/19/2019	Daniel Weisz	Prepare for and attend in court re application for claims process order and other relief.
09/20/2019	Daniel Weisz	Review draft advertisement for National Post and Claims Process Order relating to same.
09/20/2019	Brenda Wong	Emails with National Post re finalizing advertisement and review proof.
09/23/2019	Brenda Wong	Prepare claims package and documents to be posted to webpage, prepare list of creditors for mailing; fax or email claims package to CRA and MOHLTC.
09/23/2019	Daniel Weisz	Discussion with B. Wong re mailing to creditors; review files and draft email to be sent to MMAH re claim of CMHC against the property; review S. Thom comments on draft email, update same and send.
09/23/2019	Donna Nishimura	Send out notice of claims process to creditors.
09/24/2019	Brenda Wong	Prepare affidavit of service re claims process.
09/24/2019	Daniel Weisz	Discussion with S. Thom re mailing of creditors package to creditors; discussion with B. Wong on affidavit of mailing to be prepared.
09/26/2019	Brenda Wong	Email to Postmedia to request copies of tear sheets.
09/27/2019	Brenda Wong	Finalize affidavit of service.
09/27/2019	Daniel Weisz	Review and commission affidavit re claims process.
09/27/2019	Anne Baptiste	Prepare August bank reconciliation.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

October 7, 2019  
 Invoice 14  
 Page 3

### FEE SUMMARY

<b>Professional</b>	<b>Level</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	8.80	\$ 525	\$ 4,620.00
Brenda Wong, CIRP, LIT	Senior Manager	4.00	\$ 395	1,580.00
Ninanori Agustin	Tax Associate*	6.20	\$ 225	1,395.00
Anne Baptiste/Donna Nishimura	Estate Administrator	0.70	\$ 110	77.00
<b>Total hours and professional fees</b>		<u>19.70</u>		\$ 7,672.00
HST @ 13%				997.36
<b>Total payable</b>				<b>\$ 8,669.36</b>

\* RSM Canada LLP

\*\* Not billed on previous invoice.

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



GST/HST: 80784 1440 RT 0001

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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** November 6, 2019

**Client File** 783-338-4

**Invoice** 15

**No.** 5828585

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending October 31, 2019.

Date	Professional	Description
10/02/2019	Brenda Wong	Review correspondence received from Canada Revenue Agency (“CRA”) re corporate tax returns filed by the Receiver; check online banking for processing of monthly CMHC mortgage payment.
10/02/2019	Daniel Weisz	Respond to email from the Ministry of Municipal Affairs and Housing.
10/03/2019	Anne Baptiste	Prepare disbursement cheques.
10/04/2019	Daniel Weisz	Review summary of activities.
10/07/2019	Brenda Wong	Review summary of activities; review Postmedia invoice and prepare cheque request for payment of same.
10/07/2019	Daniel Weisz	Review and update summary of activities.
10/09/2019	Anne Baptiste	Prepare disbursement cheques.
10/10/2019	Daniel Weisz	Review Torkin Manes LLP statement of account; review and sign cheques.
10/17/2019	Daniel Weisz	Draft letter to bank to partially redeem term deposit.
10/17/2019	Anne Baptiste	Prepare bank reconciliation.
10/18/2019	Brenda Wong	Check online statement for partial redemption of short-term investment and prepare banking documentation for posting of same.
10/28/2019	Anne Baptiste	Posting to Ascend the partial redemption of the term deposit; filing of banking documentation.
10/29/2019	Brenda Wong	Review proofs of claim received to date and compare CRA claim to CRA notices of assessment received; follow up re email received from Larlyn Property Management Ltd.
10/30/2019	Brenda Wong	Review proof of claim submitted by Her Majesty the Queen in right of Ontario and review ALPHA’s financial records regarding same; prepare summary of claims.

November 6, 2019  
 Invoice 15  
 Page 2

Date	Professional	Description
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	0.70	\$ 525	\$ 367.50
Brenda Wong, CIRP, LIT	Senior Manager	1.40	\$ 395	553.00
Anne Baptiste	Estate Administrator	0.80	\$ 110	88.00
<b>Total hours and professional fees</b>		<b>2.90</b>		\$ 1,008.50
HST @ 13%				131.11
<b>Total payable</b>				<b>\$ 1,139.61</b>

**VISA/MASTERCARD**

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

**WIRE PAYMENT DETAILS**

Please contact Donna Nishimura at 647.727.3552 for wire instructions.



GST/HST: 80784 1440 RT 0001

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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** December 13, 2019

**Client File** 783-338-4

**Invoice** 16

**No.** 5853270

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending November 30, 2019.

Date	Professional	Description
11/01/2019	Anne Baptiste	Posting of partial withdrawal of funds from the term deposit.
11/04/2019	Brenda Wong	Follow up with Torkin Manes LLP (“Torkin”) re its review of the claim submitted by the Ministry of Municipal Affairs and Housing (“MMAH”); check online bank statement for monthly Canada Mortgage and Housing Corporation (“CMHC”) payment.
11/04/2019	Daniel Weisz	Discussion with B. Wong on claims received; email to E. Freiler of MMAH re status of claim of CMHC.
11/06/2019	Daniel Weisz	Review summary of activities.
11/07/2019	Anne Baptiste	Prepare disbursement cheque; post monthly mortgage payment; filing of banking documentation.
11/11/2019	Daniel Weisz	Discussion with S. Thom of Torkin on status of obtaining claim from CMHC; email to E. Freiler re same.
11/13/2019	Brenda Wong	Call with S. Thom and D. Weisz re MMAH's claim.
11/13/2019	Daniel Weisz	Review proof of claim of Her Majesty the Queen in Right of Ontario; review balance of funds in the Receiver's account; conference call with S. Thom and B. Wong to discuss status of the claims process and the finalization of the Receiver's administration.
11/14/2019	Anne Baptiste	Prepare October bank reconciliation.
11/18/2019	Daniel Weisz	Email to E. Freiler re status of information to be provided to the Receiver.
11/19/2019	Daniel Weisz	Review information provided by MMAH and email to E. Freiler regarding same; discussion with S. Thom re information provided; discussion with E. Freiler re information required and email to E. Freiler regarding same.
11/20/2019	Daniel Weisz	Email to E. Freiler re information sent.



December 13, 2019

Invoice 16

Page 2

Date	Professional	Description
11/25/2019	Daniel Weisz	Discussion with B. Wong re status of report to court and information to be provided.
11/29/2019	Anne Baptiste	Filing of banking documentation.
11/29/2019	Brenda Wong	Review emails from MMAH re calculation of prepayment penalty and unearned capital contributions.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	2.20	\$ 525	\$ 1,155.00
Brenda Wong, CIRP, LIT	Senior Manager	0.80	\$ 395	316.00
Anne Baptiste	Estate Administrator	0.60	\$ 110	66.00
<b>Total hours and professional fees</b>		<b>3.60</b>		\$ 1,537.00
HST @ 13%				199.81
<b>Total payable</b>				<b>\$ 1,736.81</b>

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.



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**RSM CANADA LIMITED**  
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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** January 3, 2020

**Client File** 783-338-4

**Invoice** 17

**No.** 5865941

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending December 31, 2019.

Date	Professional	Description
12/02/2019	Daniel Weisz	Review information provided by Ministry of Municipal Affairs and Housing (“MMAH”), discussion with B. Wong re comments relating thereto and email to E. Freiler of MMAH re same; review reply from MMAH and respond thereto; review status of filing of tax return.
12/03/2019	Daniel Weisz	Discussion with B. Wong re tax return to be prepared.
12/03/2019	Brenda Wong	Check online banking for processing of Canada Mortgage and Housing Corporation mortgage payment and prepare paperwork for posting of same; review information required to prepare financial statements for year ended March 31, 2019; review of Larlyn Property Management Ltd. (“Larlyn”) final October 2018 financial statements and reconcile to Ascend records as of October 2018 and prepare income statement to October 31, 2018.
12/06/2019	Anne Baptiste	Filing of banking documentation; prepare disbursement cheque.
12/10/2019	Brenda Wong	Prepare income statement for year ended March 31, 2019; review summary of activities; prepare cheque requisition for payment of legal fees.
12/11/2019	Brenda Wong	Review records for information on the property; discussion with J. Berger re updating the trial balance for the sale transaction; call from Canada Revenue Agency inquiring re its claim; review financial statements for fiscal 2019 to identify balance sheet adjustments and reconciling to Ascend.
12/12/2019	Brenda Wong	Reconciling cash per Larlyn financial statements to cash per Ascend.
12/13/2019	Daniel Weisz	Review summary of activities.
12/16/2019	Daniel Weisz	Discussion with B. Wong on status of information required for tax return.
12/23/2019	Daniel Weisz	Review information received from MMAH and respond thereto.
12/30/2019	Daniel Weisz	Commence review of draft financial statements.
12/31/2019	Daniel Weisz	Continue review of financial statements.

January 3, 2020  
 Invoice 17  
 Page 2

Date	Professional	Description
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	5.60	\$ 550	\$ 3,080.00
Brenda Wong, CIRP, LIT	Senior Manager	7.20	\$ 425	3,060.00
Anne Baptiste	Estate Administrator	0.20	\$ 110	22.00
<b>Total hours and professional fees</b>		<b><u>13.00</u></b>		\$ 6,162.00
HST @ 13%				801.06
<b>Total payable</b>				<b>\$ 6,963.06</b>

\* The rate change is effective as of the first day of this invoice.

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** February 28, 2020

**Client File** 783-338-4

**Invoice** 18

**No.** 5912823

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending January 31, 2020.

Date	Professional	Description
01/02/2020	Brenda Wong	Review and respond to email from Bank of Montreal (“BMO”) re reinvestment of short-term investment; review email from Ministry of Municipal Affairs and Housing re pre-payment penalty; check online banking for Canada Mortgage and Housing Corporation mortgage payment; discussion with D. Weisz re 2019 financial statements.
01/02/2020	Daniel Weisz	Work on 2019 financial statements and discussion with B. Wong on same; review summary of activities.
01/03/2020	Daniel Weisz	Discussion with B. Wong on financial statements.
01/07/2020	Brenda Wong	Review cash position and prepare letter to BMO for partial redemption of GIC.
01/10/2020	Anne Baptiste	Prepare bank reconciliation; prepare disbursement cheque.
01/13/2020	Brenda Wong	Check online banking for partial redemption of GIC and prepare paperwork for recording of receipt and reinvestment of GIC that matured in December; respond to email from G. Tamber re the sale of the property and dissolution of the company.
01/13/2020	Daniel Weisz	Discussion with B. Wong re timing of dissolution of ALPHA.
01/13/2020	Gurpreet Tamber	Meeting with B. Oza; send follow-up questions to B. Wong.
01/15/2020	Sonia Parmar	Work on 2019 T2 return; discuss background of ALPHA with G. Tamber; complete GIF1, working papers and completed G100 and G125.
01/16/2020	Sonia Parmar	Complete T2 return; complete Schedule 6 and 8.
01/17/2020	Anne Baptiste	Prepare bank reconciliation; filing of banking documentation.
01/17/2020	Gurpreet Tamber	Review return; meet with S. Parmar to discuss return.
01/17/2020	Sonia Parmar	Review 2019 T2 with G. Tamber; discuss return with G. Tamber.

February 28, 2020

Invoice 18

Page 2

Date	Professional	Description
01/20/2020	Brenda Wong	Respond to additional questions from G. Tamber re the preparation of the 2019 corporate tax return.
01/20/2020	Gurpreet Tamber	Meet with B. Oza to discuss the return and make changes thereto; send follow-up questions to B. Wong; receipt of Notices of Assessments ("NOA") from B. Wong; reconcile the differences to reflect the correct balances on the CY tax return.
01/21/2020	Gurpreet Tamber	Reviewed NOAs; reconcile the differences to reflect the correct balances on the CY tax return.
01/24/2020	Anne Baptiste	Filing of banking documentation.
01/24/2020	Anne Baptiste	Processing term deposit renewal and partial redemption.
01/28/2020	Daniel Weisz	Discussion with S. Thom of Torkin Manes LLP on status.
01/29/2020	Daniel Weisz	Discussion with B. Wong on the status of the tax returns to be filed.
01/30/2020	Bhavin Oza	Review of April 2019 corporate tax return for ALPHA, review asset purchase and sale agreements and capital gain reporting as required.
01/30/2020	Gurpreet Tamber	Sent draft and signature pages to B. Wong for review.
01/31/2020	Brenda Wong	Review draft income tax return and emails with G. Tamber with questions and comments re same.
01/31/2020	Daniel Weisz	Discussion with B. Wong re tax returns.
01/31/2020	Gurpreet Tamber	Respond to B. Wong's questions re the tax return.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

February 28, 2020  
 Invoice 18  
 Page 3

### FEE SUMMARY

<b>Professional</b>	<b>Level</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	4.20	\$ 550	\$ 2,310.00
Brenda Wong, CIRP, LIT	Senior Manager	1.60	\$ 425	680.00
Bhavin Oza, CPA, CA	Senior Manager*	2.00	\$ 425	850.00
Gurpreet Tamber	Senior Tax Associate*	6.70	\$ 340	2,278.00
Sonia Parmar	Tax Associate*	3.80	\$ 225	855.00
Anne Baptiste	Estate Administrator	0.70	\$ 110	77.00
<b>Total hours and professional fees</b>		<b>19.00</b>		\$ 7,050.00
HST @ 13%				916.50
<b>Total payable</b>				<b>\$ 7,966.50</b>

\*RSM Canada LLP

\*\*The rate change is effective as of the first day of this invoice.

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** March 4, 2020

**Client File** 783-338-4

**Invoice** 19

**No.** 5916871

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending February 29, 2020.

Date	Professional	Description
02/03/2020	Daniel Weisz	Review draft 2019 corporate tax return and discussion with B. Wong on same.
02/03/2020	Brenda Wong	Check online statement for monthly Canada Mortgage and Housing Corporation payment and prepare cheque requisition for posting of same; meet with D. Weisz re 2019 tax return and G. Tamber re additional questions on the return.
02/03/2020	Gurpreet Tamber	Address B. Wong's follow-up questions re the tax return.
02/04/2020	Brenda Wong	Review responses from G. Tamber re questions on the draft return.
02/04/2020	Daniel Weisz	Review answers to questions re corporate tax return and discussion with B. Wong on same.
02/04/2020	Gurpreet Tamber	Update return; send government and client copies to B. Wong.
02/05/2020	Brenda Wong	Make revisions to the corporate tax return; prepare transmittal letter to Canada Revenue Agency (“CRA”).
02/05/2020	Daniel Weisz	Review and sign 2019 tax return, and discussion with B. Wong on same; prepare email to C. Kohlsmith of CRA.
02/07/2020	Anne Baptiste	Post disbursement to Ascend.
02/14/2020	Anne Baptiste	Filing of banking documentation.
02/14/2020	Anne Baptiste	Prepare bank reconciliation.
02/21/2020	Anne Baptiste	Filing of banking documentation.
02/28/2020	Daniel Weisz	Review notice of assessment from CRA on the 2019 corporate tax return, and review prior year assessments and tax returns, discussion with B. Wong on same and finalizing the Receiver's administration; review summary of activities; discussion with S. Thom of Torkin Manes LLP re status.

March 4, 2020  
 Invoice 19  
 Page 2

Date	Professional	Description
02/28/2020	Brenda Wong	Review notice of assessment received from CRA re the 2019 corporate tax return filed by the Receiver.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	3.40	\$ 550	\$ 1,870.00
Brenda Wong, CIRP, LIT	Senior Manager	1.30	\$ 425	552.50
Gurpreet Tamber	Senior Tax Associate*	0.80	\$ 340	272.00
Anne Baptiste	Estate Administrator	0.40	\$ 110	44.00
<b>Total hours and professional fees</b>		<b>5.90</b>		\$ 2,738.50
HST @ 13%				356.01
<b>Total payable</b>				<b>\$ 3,094.51</b>

\*RSM Canada LLP

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** April 9, 2020

**Client File** 783-338-4

**Invoice** 20

**No.** 5957067

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending March 31, 2020.

Date	Professional	Description
03/03/2020	Brenda Wong	Review summary of activities.
03/04/2020	Daniel Weisz	Conference call with S. Thom of Torkin Manes LLP (“Torkin”) and B. Wong re claim of Canada Mortgage and Housing Corporation (“CMHC”) and the report to court to be prepared; review summary of activities.
03/04/2020	Brenda Wong	Draft Receiver's third report to the Court; call with D. Weisz and S. Thom re CMHC mortgage.
03/06/2020	Anne Baptiste	Filing of banking documentation; prepare disbursement cheques.
03/09/2020	Daniel Weisz	Review and update report to court.
03/09/2020	Brenda Wong	Continue writing Receiver's third report.
03/11/2020	Daniel Weisz	Review and update report, prepare affidavit of fees and related schedule thereto; review B. Wong comments on draft report.
03/11/2020	Brenda Wong	Email to M. Johnston re proof of claim submitted by Her Majesty the Queen in Right of Ontario; review changes to draft report and make additional edits.
03/13/2020	Anne Baptiste	Filing of banking documentation.
03/18/2020	Daniel Weisz	Review email from Ministry of Municipal Affairs and Housing (“MMAH”) and discussion with B. Wong on same.
03/18/2020	Brenda Wong	Review and respond to email from MMAH re its claim and additional information requested by the Receiver.
03/19/2020	Brenda Wong	Review ALPHA financial statements and email to MMAH re interest rates earned on funds advanced.
03/20/2020	Anne Baptiste	Prepare bank reconciliation.
03/25/2020	Brenda Wong	Review and respond to email from Torkin re sale transaction.

April 9, 2020  
 Invoice 20  
 Page 2

Date	Professional	Description
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	2.50	\$ 550	\$ 1,375.00
Brenda Wong, CIRP, LIT	Senior Manager	4.10	\$ 425	1,742.50
Anne Baptiste	Estate Administrator	0.60	\$ 110	66.00
<b>Total hours and professional fees</b>		<u>7.20</u>		\$ 3,183.50
HST @ 13%				413.86
<b>Total payable</b>				<b>\$ 3,597.36</b>

**VISA/MASTERCARD**

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

**WIRE PAYMENT DETAILS**

Please contact Donna Nishimura at 647.727.3552 for wire instructions.



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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** June 16, 2020

**Client File** 783-338-4

**Invoice** 21

**No.** 6037689

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending April 30, 2020.

Date	Professional	Description
04/03/2020	Brenda Wong	Review online banking to confirm April mortgage payment and prepare paperwork for posting of same.
04/09/2020	Daniel Weisz	Review summary of activities.
04/13/2020	Daniel Weisz	Effect e-payment.
04/22/2020	Anne Baptiste	Prepare bank reconciliation.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

June 16, 2020  
 Invoice 21  
 Page 2

### FEE SUMMARY

<b>Professional</b>	<b>Level</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	0.20	\$ 550	\$ 110.00
Brenda Wong, CIRP, LIT	Senior Manager	0.10	\$ 425	42.50
Anne Baptiste	Estate Administrator	0.20	\$ 110	22.00
<b>Total hours and professional fees</b>		<b>0.50</b>		\$ 174.50
HST @ 13%				22.69
<b>Total payable</b>				<b>\$ 197.19</b>

**VISA/MASTERCARD**

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

**WIRE PAYMENT DETAILS**

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** June 16, 2020

**Client File** 783-338-4

**Invoice** 22

**No.** 6037714

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending May 31, 2020.

Date	Professional	Description
05/04/2020	Brenda Wong	Respond to email from Bell.
05/08/2020	Anne Baptiste	Process disbursement request (EFT).
05/12/2020	Brenda Wong	Discussion with E. Odeh re preparation of financial statements for y/e March 31, 2020; review draft 2020 financial statements and make revisions.
05/12/2020	Echa Odeh	Discussion with B. Wong regarding tax return; print GL and trial balance from Ascend; prepare trial balance for tax return; email to B. Wong for review.
05/12/2020	Anne Baptiste	Prepare bank reconciliation.
05/13/2020	Brenda Wong	Make additional changes to 2020 financial statements.
05/28/2020	Daniel Weisz	Review draft 2020 financial statements and email to B. Wong on same.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

June 16, 2020  
 Invoice 22  
 Page 2

### FEE SUMMARY

<b>Professional</b>	<b>Level</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	0.50	\$ 595	\$ 297.50
Brenda Wong, CIRP, LIT	Senior Manager	1.20	\$ 485	582.00
Echa Odeh	Senior Associate	2.10	\$ 225	472.50
Anne Baptiste	Estate Administrator	0.30	\$ 110	33.00
<b>Total hours and professional fees</b>		<b>4.10</b>		\$ 1,385.00
HST @ 13%				180.05
<b>Total payable</b>				<b>\$ 1,565.05</b>

**VISA/MASTERCARD**

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

**WIRE PAYMENT DETAILS**

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** July 23, 2020

**Client File** 7833384

**Invoice** 23

**No.** 6068039

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending June 30, 2020.

Date	Professional	Description
06/01/2020	Daniel Weisz	Discussion with B. Wong on status.
06/01/2020	Brenda Wong	Check online banking re Canada Mortgage and Housing Corporation (“CMHC”) monthly mortgage payment and prepare cheque requisition re same.
06/05/2020	Anne Baptiste	Post disbursement to Ascend.
06/09/2020	Brenda Wong	Email re preparation of 2020 corporate tax return (“T2 return”).
06/10/2020	Ali Padhani	Prepare 2020 T2 return.
06/10/2020	Ali Padhani	Continue preparing T2 return.
06/10/2020	Paresh Hemavat	Initial planning meeting and review 2019 T2 return & trial balance.
06/10/2020	Gurpreet Tamber	Meeting with P. Hemavat and A. Padhani to discuss preparation of the tax return.
06/11/2020	Brenda Wong	Review correspondence from Torkin Manes LLP and follow up re same.
06/11/2020	Gurpreet Tamber	Review tax return.
06/16/2020	Daniel Weisz	Review summaries of activities; discussion with B. Wong re status of tax returns.
06/16/2020	Paresh Hemavat	Make revisions to T2 return and note queries for follow-up.
06/16/2020	Gurpreet Tamber	Email to B. Wong re outstanding questions.
06/17/2020	Brenda Wong	Respond to questions from G. Tamber re tax return.
06/17/2020	Daniel Weisz	Review email re tax returns, exchange emails with B. Wong re same; process e-transfer.
06/17/2020	Donna Nishimura	Prepare cheque requisitions and submit for processing.
06/17/2020	Paresh Hemavat	Emails and phone call with G. Tamber and B. Oza re issues.

July 23, 2020  
 Invoice 23  
 Page 2

Date	Professional	Description
06/17/2020	Gurpreet Tamber	Receive B. Wong's responses to questions and update the return accordingly; call with P. Hemavat; discussion with B. Oza re prior year returns.
06/19/2020	Anne Baptiste	Prepare bank reconciliation; post disbursement.
06/22/2020	Paresh Hemavat	Finalize T2 return.
06/23/2020	Brenda Wong	Follow up with Torkin Manes re outstanding invoice; review draft 2020 corporate tax return.
06/23/2020	Gurpreet Tamber	Send B. Wong the draft return.
06/29/2020	Daniel Weisz	Review draft corporate tax return and email to B. Wong on same.
06/30/2020	Brenda Wong	Review and respond to question from D. Weisz re draft return; email re finalization of the return.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	1.00	\$ 595	\$ 595.00
Brenda Wong, CIRP, LIT	Senior Manager	1.00	\$ 485	485.00
Paresh Hemavat	Tax Manager*	1.40	\$ 395	553.00
Gurpreet Tamber	Senior Tax Associate*	1.60	\$ 340	544.00
Ali Padhani	Intern*	1.50	\$ 190	285.00
Anne Baptiste/Donna Nishimura	Estate Administrator	0.50	\$ 110	55.00
<b>Total hours and professional fees</b>		<b>7.00</b>		\$ 2,517.00
<b>Disbursements</b>				
Courier			\$11.35	
<b>Total disbursements</b>				11.35
<b>Total professional fees and disbursements</b>				\$ 2,528.35
HST @ 13%				328.69
<b>Total payable</b>				<b>\$ 2,857.04</b>

\*RSM Canada LLP

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.





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**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
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 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** August 7, 2020

**Client File** 7833384

**Invoice** 24

**No.** 6085493

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending July 31, 2020.

Date	Professional	Description
07/03/2020	Brenda Wong	Review online banking for funds on hand, Canada Mortgage and Housing Corporation (“CMHC”) mortgage payment and prepare cheque requisition for posting of same; email to Torkin Manes LLP requesting copy of outstanding invoice, submit cheque requisition for payment of same.
07/03/2020	Daniel Weisz	Process electronic payment; discussion with S. Thom of Torkin Manes re status of review of CMHC claim.
07/03/2020	Anne Baptiste	Process disbursement.
07/07/2020	Daniel Weisz	Discussion with B. Wong re tax return being prepared; review email from G. Tamber.
07/08/2020	Anne Baptiste	Process disbursement.
07/14/2020	Daniel Weisz	Review document relating to preparation of tax returns and sign same and return.
07/16/2020	Anne Baptiste	Prepare bank reconciliation.
07/22/2020	Daniel Weisz	Review and sign final 2020 corporate tax return and cover letter dated for tomorrow; review summary of activities.
07/22/2020	Brenda Wong	Review summary of activities; review cash balance and email to D. Weisz re funding required; prepare letter to BMO re partial redemption of GIC; make revisions to 2020 T2 return, prepare cover letter to Canada Revenue Agency (“CRA”) and send both to D. Weisz for review and signing.
07/23/2020	Brenda Wong	Arrange for 2020 T2 to be sent via registered mail and fax to CRA; review email from BMO re redemption of GIC, check online banking and submit paperwork for posting of same.
07/23/2020	Daniel Weisz	Review emails re filing of tax returns.

August 7, 2020  
 Invoice 24  
 Page 2

Date	Professional	Description
07/23/2020	Donna Nishimura	Prepare cheque requisition and process paperwork for payment.
07/24/2020	Anne Baptiste	Process disbursements; process receipts; process term deposits.
07/28/2020	Daniel Weisz	Discussion with S. Thom re claim of CMHC.
07/30/2020	Daniel Weisz	Review draft email to be sent re mortgage and email to S. Thom re same and discussion with S Thom re same; review email sent to the Ministry of Municipal Affairs and Housing.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	2.90	\$ 595	\$ 1,725.50
Brenda Wong, CIRP, LIT	Senior Manager	1.30	\$ 485	630.50
Anne Baptiste/Donna Nishimura	Estate Administrator	0.70	\$ 110	77.00
<b>Total hours and professional fees</b>		<b>4.90</b>		\$ 2,433.00
HST @ 13%				316.29
<b>Total payable</b>				<b>\$ 2,749.29</b>

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.



GST/HST: 80784 1440 RT 0001

**RSM CANADA LIMITED**  
**Licensed Insolvency Trustee**  
 11 King St W, Suite 700, Box 27  
 Toronto, ON M5H 4C7

T +1 416 480 0160  
 F +1 416 480 2646

w www.rsmcanada.com

**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** November 5, 2020

**Client File** 7833384  
**Invoice** 25  
**No.** 6165669

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending October 31, 2020.

Date	Professional	Description
08/04/2020	Brenda Wong	Check online statement for Canada Mortgage and Housing Corporation (“CMHC”) monthly mortgage payment; prepare banking documentation for CMHC payment and maturity of short-term investment; prepare letter to BMO Bank of Montreal (“BMO”) to purchase a new short-term investment.
08/04/2020	Daniel Weisz	Review and sign letter to BMO re purchase of a new term deposit.
08/04/2020	Anne Baptiste	Post disbursement to Ascend.
08/05/2020	Brenda Wong	Review email from BMO re new term deposit, obtain online statement and submit paperwork for processing to Ascend; call from Canada Revenue Agency (“CRA”) inquiring re status of receivership.
08/05/2020	Anne Baptiste	Post maturity of term deposit and purchase of new term deposit to Ascend.
08/07/2020	Brenda Wong	Review summary of activities.
08/07/2020	Daniel Weisz	Process electronic payment.
08/10/2020	Anne Baptiste	Post disbursement to Ascend.
08/12/2020	Anne Baptiste	Prepare bank reconciliation.
08/13/2020	Daniel Weisz	Review account rendered by Torkin Manes; process electronic payment.
08/13/2020	Brenda Wong	Prepare cheque requisition for payment of Torkin Manes invoice.
08/14/2020	Anne Baptiste	Post disbursement to Ascend.
08/25/2020	Daniel Weisz	Email to S. Thom of Torkin Manes re status of information requested re CMHC mortgage.
09/01/2020	Brenda Wong	Check online banking for monthly mortgage payment and submit paperwork for posting of same.
09/02/2020	Daniel Weisz	Process electronic payment.

November 5, 2020

Invoice 25

Page 2

Date	Professional	Description
09/03/2020	Brenda Wong	Review Canada Revenue Agency ("CRA") Notice of Assessment for year ended March 31, 2020.
09/16/2020	Anne Baptiste	Prepare bank reconciliation.
10/14/2020	Daniel Weisz	Prepare for and attend call with S. Thom and B. Wong re claim of CMHC and finalization of the receivership.
10/14/2020	Brenda Wong	Call with S. Thom and D. Weisz re next steps and finalizing report.
10/15/2020	Brenda Wong	Letter to CRA to request it update its claim; review draft report and make updates, update statement of receipts and disbursements and fee affidavit.
10/19/2020	Daniel Weisz	Review S. Thom email to the Ministry of the Attorney General ("Ministry").
10/20/2020	Daniel Weisz	Review schedule re estimated funds available, forward same to S. Thom and discussion with S. Thom.
10/20/2020	Brenda Wong	Prepare estimate of cash available and remaining after distribution.
10/21/2020	Brenda Wong	Call from CRA re its proof of claim; review updated CRA proof of claim and update draft report re same.
10/21/2020	Daniel Weisz	Prepare for and attend call with S. Thom, A. Sinnadurai and A. Pribetic to discuss the status of the receivership administration.
10/22/2020	Anne Baptiste	Prepare bank reconciliation.
10/23/2020	Daniel Weisz	Review email from A. Sinnadurai and email to B. Wong re same.
10/26/2020	Brenda Wong	Review emails from the Ministry re interest and respond to D. Weisz re same.
10/26/2020	Daniel Weisz	Review email from B. Wong re request from A. Sinnadurai and discussion with B. Wong on same.
10/28/2020	Brenda Wong	Review interest earned on short term investments and calculate interest accrued on Ministry funding; email to Ministry re same.
10/29/2020	Daniel Weisz	Discussion with B. Wong re claim of the Ministry.
10/29/2020	Brenda Wong	Review emails re Ministry's claim and discussion with D. Weisz re amount to be admitted; respond to Ministry's email.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

November 5, 2020  
 Invoice 25  
 Page 3

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	2.70	\$ 595	\$ 1,606.50
Brenda Wong, CIRP, LIT	Senior Manager	5.40	\$ 485	2,619.00
Anne Baptiste	Estate Administrator	1.10	\$ 110	121.00
<b>Total hours and professional fees</b>		<b>9.20</b>		\$ 4,346.50
<b>Disbursements</b>				
Courier			<u>\$11.35</u>	
<b>Total disbursements</b>				11.35
<b>Total professional fees and disbursements</b>				\$ 4,357.85
HST @ 13%				566.52
<b>Total payable</b>				<b>\$ 4,924.37</b>

**VISA/MASTERCARD**

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

**WIRE PAYMENT DETAILS**

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited



GST/HST: 80784 1440 RT 0001

RSM CANADA LIMITED  
 Licensed Insolvency Trustee  
 11 King St W, Suite 700, Box 27  
 Toronto, ON M5H 4C7

T +1 416 480 0160  
 F +1 416 480 2646

www.rsmcanada.com

**To** RSM Canada Limited  
 Court-appointed Receiver and Liquidator of Apartments  
 For Living For Physically Handicapped Association  
 11 King Street West, Suite 700  
 Toronto, ON M5H 4C7

**Date** December 15, 2020

**Client File** 7833384  
**Invoice** 26  
**No.** 6193252

For professional services rendered with respect to the appointment of RSM Canada Limited as Court-appointed Receiver and Liquidator of Apartments For Living For Physically Handicapped Association (“ALPHA”) for the period ending November 30, 2020.

Date	Professional	Description
11/03/2020	Brenda Wong	Download online banking statement to confirm Canada Mortgage and Housing Corporation (“CMHC”) monthly mortgage payment and prepare cheque requisition.
11/03/2020	Daniel Weisz	Exchange emails with A. Sinnadurai of the Ministry of the Attorney General (“MAG”) re the proof of claim submitted by Her Majesty the Queen in right of Ontario (“Ministry”).
11/04/2020	Daniel Weisz	Review summary of activities.
11/05/2020	Daniel Weisz	Process electronic payment.
11/05/2020	Donna Nishimura	Prepare cheque requisition for payment of invoice and submit for payment.
11/06/2020	Anne Baptiste	Post disbursement to Ascend.
11/11/2020	Anne Baptiste	Prepare bank reconciliation.
11/11/2020	Daniel Weisz	Email to S. Thom of Torkin Manes (“Torkin”) re the Ministry’s claim.
11/13/2020	Daniel Weisz	Review email from A. Sinnadurai and email to S. Thom re same.
11/17/2020	Daniel Weisz	Discussion with S. Thom re the Ministry’s claim and finalizing the receivership administration.
11/19/2020	Daniel Weisz	Review email from A. Sinnadurai, email and discussion with S. Thom re same.
11/20/2020	Daniel Weisz	Review exchange of emails re finalization of the Ministry’s proof of claim amount.
11/23/2020	Brenda Wong	Review Torkin changes to the Receiver’s draft report and make updates; update the Receiver’s Statement of Receipts and Disbursements and fee affidavit; update the estimate of funds available for distribution; email to request an updated CMHC payout statement.

December 15, 2020  
 Invoice 26  
 Page 2

Date	Professional	Description
11/23/2020	Daniel Weisz	Review S. Thom proposed changes to report to court; discussion with B. Wong on payout statement from CMHC; review email from V. Ivanow and respond to same; discussion with S. Thom; review and update draft report.
11/24/2020	Brenda Wong	Review interest calculation and email to D. Weisz and Torkin re same; review summary of activities.
11/24/2020	Daniel Weisz	Discussions with S. Thom re report to court and status of outstanding items; review subsequent emails re same.
11/30/2020	Daniel Weisz	Email to S. Thom re finalization of the receivership.
		To all other administrative matters with respect to this engagement, including supervision, all meetings, telephone attendances, and written and verbal correspondence to facilitate the foregoing.

### FEE SUMMARY

Professional	Level	Hours	Rate	Fees
Daniel R. Weisz, CPA, CA, CFF, CIRP, LIT	Senior Vice President	3.30	\$ 595	\$ 1,963.50
Brenda Wong, CIRP, LIT	Senior Manager	2.30	\$ 485	1,115.50
Anne Baptiste/Donna Nishimura	Estate Administrator	0.40	\$ 110	44.00
<b>Total hours and professional fees</b>		<b>6.00</b>		\$ 3,123.00
HST @ 13%				405.99
<b>Total payable</b>				<b>\$ 3,528.99</b>

#### VISA/MASTERCARD

Payments can be made by calling the Accounts Receivable Department at 647.726.0483.

#### WIRE PAYMENT DETAILS

Please contact Donna Nishimura at 647.727.3552 for wire instructions.

Invoices are due upon receipt.  
 RSM Canada Limited

**THIS IS EXHIBIT "B" REFERRED TO IN THE  
AFFIDAVIT OF DANIEL WEISZ SWORN BEFORE ME  
THIS 23rd DAY OF DECEMBER, 2020**

A handwritten signature in black ink, consisting of several loops and a horizontal stroke at the end.

---

A Commissioner, etc.



**In the Matter of the Receivership of  
Apartments for Living for Physically Handicapped Association  
Summary of Receiver's Fees  
For the Period August 1, 2019 to November 30, 2020**

<b>Invoice Date</b>	<b>Period</b>	<b>Hours</b>	<b>Fees</b>	<b>Disb.</b>	<b>HST</b>	<b>Total</b>	<b>Average Hourly Rate</b>
04-Oct-19	August 1 to 31, 2019	12.0	\$ 4,917.50		\$ 639.28	\$ 5,556.78	\$ 409.79
07-Oct-19	September 1 to 30, 2019*	19.7	7,672.00		997.36	8,669.36	\$ 389.44
06-Nov-19	October 1 to 31, 2019	2.9	1,008.50		131.11	1,139.61	\$ 347.76
13-Dec-19	November 1 to 30, 2019	3.6	1,537.00		199.81	1,736.81	\$ 426.94
03-Jan-20	December 1 to 31, 2019	13.0	6,162.00		801.06	6,963.06	\$ 474.00
28-Feb-20	January 1 to 31, 2020	19.0	7,050.00		916.50	7,966.50	\$ 371.05
04-Mar-20	February 1 to 29, 2020	5.9	2,738.50		356.01	3,094.51	\$ 464.15
09-Apr-20	March 1 to 31, 2020	7.2	3,183.50		413.86	3,597.36	\$ 442.15
16-Jun-20	April 1 to 30, 2020	0.5	174.50		22.69	197.19	\$ 349.00
16-Jun-20	May 1 to 31, 2020	4.1	1,385.00		180.05	1,565.05	\$ 337.80
23-Jul-20	June 1 to 30, 2020	7.0	2,517.00	11.35	328.69	2,857.04	\$ 359.57
07-Aug-20	July 1 to 31, 2020	4.9	2,433.00		316.29	2,749.29	\$ 496.53
05-Nov-20	August 1 to October 31, 2020	9.2	4,346.50	11.35	566.52	4,924.37	\$ 472.45
15-Dec-20	November 1 to 30, 2020	6.0	3,123.00	-	405.99	3,528.99	\$ 520.50
<b>Total</b>		<b>115.0</b>	<b>\$ 48,248.00</b>	<b>\$ 22.70</b>	<b>\$ 6,275.22</b>	<b>\$ 54,545.92</b>	<b>\$ 419.55</b>

\* includes entry for April 23, 2019

P

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

B E T W E E N:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant

-and-

APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION

Respondent

APPLICATION FOR A WINDING-UP ORDER AND THE APPOINTMENT OF A RECEIVER  
AND LIQUIDATOR PURSUANT TO THE *CORPORATIONS ACT*, R.S.O. 1990,  
c C.38 AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c C.43

**AFFIDAVIT OF S. FAY SULLEY**

I, S. Fay Sulley, of the City of Toronto, in the Province of Ontario, MAKE OATH AND  
SAY:

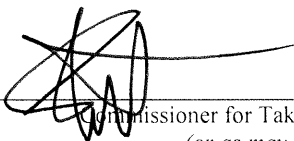
1. I am a Lawyer with the law firm of TORKIN MANES LLP (“**Torkin Manes**”), which has been engaged as independent counsel to RSM Canada Limited (“**RSM**”), in its capacity as receiver and liquidator (the “**Receiver**”), without security, of all of the assets, undertakings and properties of Apartments for Living for Physically Handicapped Association and as such have knowledge of the matters to which I hereinafter depose either through my own knowledge or by informing myself with respect thereto in which case I have indicated the source of my information and belief.
2. Attached hereto as **Exhibit "A"** are true copies of the accounts issued by Torkin Manes to RSM, in its capacity as Receiver, which includes detailed descriptions of the work performed for

the period from August 1, 2019 to and including November 30, 2020. The total fees charged by Torkin Manes to RSM during this period were \$18,915.00, plus HST of \$2,458.95, plus disbursements of \$708.86, plus HST on disbursements of \$48.00, for a total amount of \$22,130.81.

3. I confirm that the attached accounts accurately reflect the services provided by Torkin Manes in this matter and the fees and disbursements claimed by it during the period described above.

4. Additionally, attached hereto as **Exhibit "B"** is a summary of additional information with respect to the aforesaid accounts indicating all members of Torkin Manes who worked on this matter during the period described above, their year of call to the bar, total time charges and hourly rates, and I hereby confirm that this list represents an accurate account of such information.

**SWORN BEFORE ME** at the City of  
Toronto, in the Province of Ontario on  
December 23, 2020

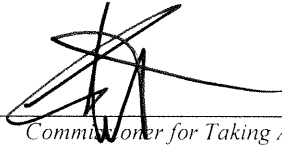


Commissioner for Taking Affidavits  
(or as may be)



S. FAY SULLEY

This is Exhibit "A" referred to in the Affidavit of S. Fay Sulley  
sworn December 23, 2020

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

Torkin Manes LLP  
 Barristers & Solicitors  
 151 Yonge Street, Suite 1500  
 Toronto, ON M5C 2W7

Tel: 416 863 1188  
 Fax: 416 863 0305  
 torkinmanes.com

Torkin | Manes  
 Barristers & Solicitors

September 30, 2019

Invoice No.: 323366

Attention: Daniel Weisz  
 RSM Canada  
 11 King St. W., Suite 700  
 Box 27  
 Toronto, ON M5H 4C7

ACCOUNT FOR PROFESSIONAL SERVICES RENDERED

---

RE: Receivership of Apartments for Living for Physically  
 Handicapped Association  
 File No.: 34487.0003

TO PROFESSIONAL SERVICES RENDERED HEREIN AS FOLLOWS:

Aug 20 19	SDT	Correspondence with Receiver; review and revisions to Receiver's draft report	2.90
Aug 21 19	SDT	Communications with Court re available motion dates; communications with AGO re motion dates available; submission of hearing request form re motion for approval of claims process	0.40
Aug 29 19	SDT	Preparation of fee affidavit; preparation of draft Notice of Motion	2.80
Aug 30 19	SDT	Revisions to Notice of Motion	0.50
Sep 03 19	SDT	Correspondence with Receiver re draft Notice of Motion; review of Receiver's comments re same; revisions to draft Notice of Motion	0.70

Page 2  
 September 30, 2019  
 Our File No.: 34487.0003  
 Invoice # 323366

**Torkin | Manes**  
 Barristers & Solicitors

Sep 04 19	SDT	Reviewed revised Receiver's Report; finalize motion materials and fee affidavits; service of materials	2.60
Sep 05 19	SDT	Preparation of draft Claims Process Order; communications with Receiver re schedules to Claims Process Order; review draft instruction letter and Notice to Creditors	2.80
Sep 06 19	SDT	Revisions to draft Claims Process Order and communications with Receiver re same	1.40
Sep 16 19	SDT	Further revisions to Claim Process Order; revisions to schedules to Claims Process Order, Notice to Creditors, information letter, Proof of Claim and Notice of Disallowance; communications with Receiver re revisions to Order and related materials; preparation of draft Order re ancillary relief; preparation of fee affidavit	2.60
Sep 17 19	SDT	Communications with Applicant re Claims Process Order; communications with Court and process server re filing of draft Orders	1.20
Sep 18 19	SDT	Preparation for attendance on motion re approval of claims process	1.00
Sep 19 19	SDT	Preparation for and attendance in Court re motion for approval of claims process; attended to issuance of Orders	4.40
Sep 23 19	SDT	Communications with Receiver; draft correspondence to CMHC re mortgage claim	0.60
		Total Hours:	23.90

Page 3  
 September 30, 2019  
 Our File No.: 34487.0003  
 Invoice # 323366

**Torkin | Manes**  
 Barristers & Solicitors

OUR FEE:	\$11,352.50
HST:	\$1,475.83
SUB-TOTAL:	<u>\$12,828.33</u>

LAWYERS' SUMMARY: FEES SUBJECT TO HST:

<u>LAWYERS AND LEGAL</u>	<u>HOURLY</u>	<u>HOURS</u>
<u>ASSISTANTS INVOLVED</u>	<u>RATE</u>	<u>WORKED</u>
Stewart D. Thom	475.00	23.90
TOTAL HOURS		23.90

DISBURSEMENTS

TAXABLE DISBURSEMENTS:

Reproduction of documents	34.80
Binding service	3.36
Document Scanning	61.80
Title search disbursements	22.50
Laser copies	51.75
Process Server	195.00
	<u>369.21</u>

NON-TAXABLE DISBURSEMENTS:

File	320.00
Title search disbursements	9.65
Process Server	10.00
	<u>339.65</u>

Total Disbursements	\$708.86
HST on Disbursements	\$48.00

TOTAL DISBURSEMENTS AND HST:	<u>\$756.86</u>
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TOTAL FEE, DISBURSEMENTS & HST	\$13,585.19
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Page 4  
September 30, 2019  
Our File No.: 34487.0003  
Invoice # 323366

Torkin | Manes  
Barristers & Solicitors

BALANCE DUE AND OWING BY YOU

\$13,585.19

TORKIN MANES LLP

Per: 

Barry A. Cohen

E. & O. E.

HST REGISTRATION NUMBER: R117245456

Payment is due upon receipt.  
Interest will be charged pursuant to the Solicitors Act at the  
rate of 1.0 percent per year.

Torkin Manes LLP  
 Barristers & Solicitors  
 151 Yonge Street, Suite 1500  
 Toronto, ON M5C 2W7

Tel: 416 863 1188  
 Fax: 416 863 0305  
 torkinmanes.com

Torkin|Manes  
 Barristers & Solicitors

November 30, 2019

Invoice No.: 325914

Attention: Daniel Weisz  
 RSM Canada  
 11 King St. W., Suite 700  
 Box 27  
 Toronto, ON M5H 4C7

ACCOUNT FOR PROFESSIONAL SERVICES RENDERED

---

RE: Receivership of Apartments for Living for Physically  
 Handicapped Association  
 File No.: 34487.0003

TO PROFESSIONAL SERVICES RENDERED HEREIN AS FOLLOWS:

Nov 04 19	SDT	Communications with receiver re HMQRO Proof of Claim	0.20
Nov 12 19	SDT	Review of Proof of Claim filed by HMQRO and consider issues	0.80
Nov 13 19	SDT	Communications with Receiver re claim of HMQRO	0.20
Nov 19 19	SDT	Communications with Receiver re secured claim	0.30
		Total Hours:	1.50

Page 2  
 November 30, 2019  
 Our File No.: 34487.0003  
 Invoice # 325914

**Torkin | Manes**  
 Barristers & Solicitors

OUR FEE:	\$712.50
HST:	\$92.63
SUB-TOTAL:	<u>\$805.13</u>


LAWYERS' SUMMARY: FEES SUBJECT TO HST:

<u>LAWYERS AND LEGAL ASSISTANTS INVOLVED</u>	<u>HOURLY RATE</u>	<u>HOURS WORKED</u>
Stewart D. Thom	475.00	1.50
TOTAL HOURS		1.50

TOTAL FEE, DISBURSEMENTS & HST	\$805.13
BALANCE DUE AND OWING BY YOU	\$805.13

TORKIN MANES LLP

Per: \_\_\_\_\_

  
 Barry A. Cohen

E. & O. E.

HST REGISTRATION NUMBER: R117245456

Payment is due upon receipt.  
 Interest will be charged pursuant to the Solicitors Act at the  
 rate of 1.0 percent per year.

Torkin Manes LLP  
 Barristers & Solicitors  
 151 Yonge Street, Suite 1500  
 Toronto, ON M5C 2W7

Tel: 416 863 1188  
 Fax: 416 863 0305  
 torkinmanes.com

Torkin | Manes  
 Barristers & Solicitors

March 31, 2020

Invoice No.: 331525

Attention: Daniel Weisz  
 RSM Canada  
 11 King St. W., Suite 700  
 Box 27  
 Toronto, ON M5H 4C7

ACCOUNT FOR PROFESSIONAL SERVICES RENDERED

RE: Receivership of Apartments for Living for Physically  
 Handicapped Association  
 File No.: 34487.0003

TO PROFESSIONAL SERVICES RENDERED HEREIN AS FOLLOWS:

Mar 11 20	SDT	Review of Receiver's draft report re distribution; communications with Receiver re manner of proceeding and consider issues	0.90
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Total Hours:	0.90
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OUR FEE:	\$450.00
HST:	\$58.50

SUB-TOTAL:	<u>\$508.50</u>
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LAWYERS' SUMMARY: FEES SUBJECT TO HST:

<u>LAWYERS AND LEGAL ASSISTANTS INVOLVED</u>	<u>HOURLY RATE</u>	<u>HOURS WORKED</u>
Stewart D. Thom	500.00	.90

Page 2  
March 31, 2020  
Our File No.: 34487.0003  
Invoice # 331525

Torkin | Manes  
Barristers & Solicitors

TOTAL HOURS .90

TOTAL FEE, DISBURSEMENTS & HST	\$508.50
BALANCE DUE AND OWING BY YOU	\$508.50

TORKIN MANES LLP

Per: \_\_\_\_\_  
Barry A. Cohen

E. & O. E.

HST REGISTRATION NUMBER: R117245456

Payment is due upon receipt.  
Interest will be charged pursuant to the Solicitors Act at the  
rate of 1.0 percent per year.

Torkin Manes LLP  
 Barristers & Solicitors  
 151 Yonge Street, Suite 1500  
 Toronto, ON M5C 2W7

Tel: 416 863 1188  
 Fax: 416 863 0305  
 torkinmanes.com

**Torkin | Manes**  
 Barristers & Solicitors

July 31, 2020

Invoice No.: 336581

Attention: Daniel Weisz  
 RSM Canada  
 11 King St. W., Suite 700  
 Box 27  
 Toronto, ON M5H 4C7

ACCOUNT FOR PROFESSIONAL SERVICES RENDERED

---

RE: Receivership of Apartments for Living for Physically  
 Handicapped Association  
 File No.: 34487.0003

TO PROFESSIONAL SERVICES RENDERED HEREIN AS FOLLOWS:

Jul 23 20	SDT	Review of mortgage documentation; communications from CMHC and case law regarding penalty	2.00
Jul 27 20	SDT	Revisions to correspondence re CMHC mortgage and distribution motion	0.90
Jul 28 20	SDT	Communications with Receiver re CMHC mortgage claim issues and motion for discharge and distribution;	0.40
Jul 29 20	SDT	Revisions to draft communication to CMHC re request for additional information	0.70
Jul 30 20	SDT	Communications with receiver re motion for distribution and discharge; revisions to correspondence with CMHC re claims; communications with CMHC	0.40
		Total Hours:	4.40

Page 2  
 July 31, 2020  
 Our File No.: 34487.0003  
 Invoice # 336581

**Torkin | Manes**  
 Barristers & Solicitors

OUR FEE:	\$2,200.00
HST:	\$286.00
SUB-TOTAL:	\$2,486.00

LAWYERS' SUMMARY: FEES SUBJECT TO HST:

<u>LAWYERS AND LEGAL ASSISTANTS INVOLVED</u>	<u>HOURLY RATE</u>	<u>HOURS WORKED</u>
Stewart D. Thom	500.00	4.40
TOTAL HOURS		4.40

TOTAL FEE, DISBURSEMENTS & HST	\$2,486.00
BALANCE DUE AND OWING BY YOU	\$2,486.00

TORKIN MANES LLP

Per: \_\_\_\_\_  
 Barry A. Cohen

E. & O. E.

HST REGISTRATION NUMBER: R117245456

Payment is due upon receipt.  
 Interest will be charged pursuant to the Solicitors Act at the  
 rate of 1.0 percent per year.

Torkin Manes LLP  
 Barristers & Solicitors  
 151 Yonge Street, Suite 1500  
 Toronto, ON M5C 2W7

Tel: 416 863 1188  
 Fax: 416 863 0305  
 torkinmanes.com

**Torkin | Manes**  
 Barristers & Solicitors

November 30, 2020

Invoice No.: 341849

Attention: Daniel Weisz  
 RSM Canada  
 11 King St. W., Suite 700  
 Box 27  
 Toronto, ON M5H 4C7

ACCOUNT FOR PROFESSIONAL SERVICES RENDERED

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RE: Receivership of Apartments for Living for Physically  
 Handicapped Association  
 File No.: 34487.0003

TO PROFESSIONAL SERVICES RENDERED HEREIN AS FOLLOWS:

May 14 20	SDT	Review of documentation re CMHC mortgage	1.20
Oct 14 20	SDT	Review of response from CMHC; communications with Receiver re same and preparation of materials for discharge and distribution motion	1.00
Oct 19 20	SDT	Communications with counsel for Ministry re CMHC Claim	0.30
Oct 20 20	SDT	Communications with court re availability of dates for discharge and distribution motion; communications with Receiver re discharge and distribution motion	0.60
Oct 21 20	SDT	Communications with counsel for Ministry and receiver; communications with court re scheduling request	0.50



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 November 30, 2020  
 Our File No.: 34487.0003  
 Invoice # 341849

**Torkin** | **Manes**  
 Barristers & Solicitors

Oct 26 20	SDT	Communications with Receiver re discharge and distribution motion	0.20
Oct 28 20	SDT	Communications with receiver re CMHC claim	0.20
Nov 04 20	SDT	Communications with Ministry and receiver re Ministry claim	0.30
Nov 11 20	SDT	Communications with receiver re discharge and distribution motion issues	0.20
Nov 19 20	SDT	Communications with receiver; communications with Ontario re interest claim issues	0.30
Nov 22 20	SDT	Revisions to receiver's report re discharge and distribution motion	1.00
Nov 23 20	SDT	Communications with receiver re discharge and distribution motion issues	0.70
Nov 24 20	SDT	Communications with Receiver and Ministry re finalization of Ministry and CMHC claim amounts and discharge/distribution motion issues; communications re outstanding information for completion of receiver's report; discussion with all parties re adjournment of motion date; communications with court re release of scheduled date and scheduling of new hearing date for discharge/distribution motion	1.60
Nov 25 20	SDT	Communications with court and counsel re scheduling of new date for discharge/distribution hearing	0.30
		Total Hours:	8.40

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 Our File No.: 34487.0003  
 Invoice # 341849

**Torkin | Manes**  
 Barristers & Solicitors

OUR FEE:	\$4,200.00
HST:	\$546.00
SUB-TOTAL:	<u>\$4,746.00</u>

LAWYERS' SUMMARY: FEES SUBJECT TO HST:

<u>LAWYERS AND LEGAL ASSISTANTS INVOLVED</u>	<u>HOURLY RATE</u>	<u>HOURS WORKED</u>
Stewart D. Thom	500.00	8.40
TOTAL HOURS		8.40

TOTAL FEE, DISBURSEMENTS & HST	\$4,746.00
BALANCE DUE AND OWING BY YOU	\$4,746.00

TORKIN MANES LLP



Per: \_\_\_\_\_  
 Barry A. Cohen

E. & O. E.

HST REGISTRATION NUMBER: R117245456

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 rate of 1.0 percent per year.

This is Exhibit "B" referred to in the Affidavit of S. Fay Sulley  
sworn December 23, 2020

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

Summary of Additional Lawyer Information

<u>Lawyer</u>	<u>Year of Call</u>	<u>Hours Billed</u>	<u>Hourly Rate</u>	<u>Total Billed</u>
Stewart Thom	2008	25.40	\$475.00	\$12,065.00
		13.70	\$500.00	\$ 6,850.00
TOTAL				<hr/> <hr/> \$18,915.00

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

-and- APARTMENTS FOR LIVING FOR PHYSICALLY  
HANDICAPPED ASSOCIATION  
Respondent

Applicant

Court File No. CV-18-596938-CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT  
TORONTO

**AFFIDAVIT OF S. FAY SULLEY**

**TORKIN MANES LLP**

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Tel: 416-863-1188

Fax: 416-863-0305

Lawyers for the Receiver, RSM Canada Limited

RCP-E 4C (May 1, 2016)