

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

B E T W E E N:

PAUL JOSEPH DIETRICH

Applicant

- and -

STEVEN ROBERT MCLAREN

Respondent

APPLICATION UNDER SECTIONS 207, 209 AND 210 OF THE
BUSINESS CORPORATIONS ACT, R.S.O. 1990, c. B.16

FACTUM OF THE LIQUIDATOR
(motion returnable February 21, 2024)

February 16, 2024

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Lawyers for Albert Gelman Inc. in its capacity
as the Court-appointed liquidator of 1827403
Ontario Inc., 1853997 Ontario Inc., 1885926
Ontario Inc., 1950940 Ontario Inc., 1950941
Ontario Inc. and 1950979 Ontario Inc.

I. INTRODUCTION

1. Albert Gelman Inc., in its capacity as Court-appointed liquidator (in such capacity, the “**Liquidator**”) of 1827403 Ontario Inc. (“**1827403**”), 1853997 Ontario Inc. (“**1853997**”), 1885926 Ontario Inc. (“**1885926**”), 1950940 Ontario Inc. (“**1950940**”), 1950941 Ontario Inc. (“**1950941**”) and 1950979 Ontario Inc. (“**1950979**” and, collectively, the “**Companies**”) pursuant to Part XVI of the Ontario *Business Corporations Act*¹ (the “**BCA**”), brings this motion for the following relief:

a. an order (the “**Claims Process Order**”) in accordance with the draft included at tab 3 of the Liquidator’s motion record² authorizing and directing the Liquidator to conduct a claims solicitation and barring process (the “**Claims Process**”) for claims against 1950979 and 1827403 (together, the “**Solvent Companies**”); and

b. an order (the “**Ancillary Order**”) in accordance with the draft included at tab 4 of the Liquidator’s motion record,³ that:

i. if necessary, validates the time for service of the Liquidator’s pleadings for this motion;

ii. authorizes and directs the Liquidator to assign 1950941, 1853997, 1885926 and 1950940 (collectively, the “**Insolvent Companies**”) in bankruptcy and to act as the Insolvent Companies’ trustee-in-bankruptcy under the *Bankruptcy and Insolvency Act*⁴ (the “**BIA**”);

iii. authorizes the Liquidator to release the Surplus Funds to the Purchaser (as those terms are defined below);

¹ [Business Corporations Act, R.S.O. 1990, c. B.16](#) (the “**BCA**”).

² [\[Caselines Master E1153\]](#).

³ [\[Caselines Master E1179\]](#).

⁴ [Bankruptcy and Insolvency Act, R.S.C., 1985, c. B-3](#) (the “**BIA**”).

- iv. approves the Fifth Report of the Liquidator dated November 23, 2023 (the “**Fifth Report**”), the Sixth Report of the Liquidator dated February 14, 2024 (the “**Sixth Report**”), and the Liquidator’s activities described in those reports; and
- v. approves the fees and disbursements of the Liquidator for the period from August 29, 2023 to February 6, 2024, and the fees and disbursements of the Liquidator’s independent counsel, Reconstruct LLP, for the period from July 1, 2023 to January 31, 2024

II. OVERVIEW

2. The Applicant and Respondent are the sole shareholders of the Companies (together, the “**Shareholders**”).⁵ The Companies were real estate development and holding companies which the Shareholders used to operate their real estate development business.⁶

3. In the context of litigation between them, the Shareholders agreed to liquidate the Companies through a Court-supervised process pursuant to sections 206 to 244 of the BCA.⁷ By consent order dated April 4, 2022 (the “**Appointment Order**”), the Court appointed Albert Gelman Inc. as Liquidator.⁸

4. The purpose of this proceeding is to wind-down the Companies in an orderly and efficacious manner. The next step is to determine creditor claims with a view to distribute assets. The Liquidator seeks the Claims Process Order to do so for the Solvent Companies. For the Insolvent Companies, the Liquidator seeks an order authorizing and directing the Liquidator to assign them in bankruptcy and act as their trustee-in-bankruptcy under the BIA.

⁵ Liquidator’s Sixth Report dated February 14, 2024, (the “**Sixth Report**”), para. 10 [[Caselines Master E1005](#)]

⁶ Sixth Report, para. 12 [[Caselines Master E1005](#)].

⁷ Sixth Report, para. 11 [[Caselines Master E1005](#)].

⁸ A copy of the Appointment Order is Appendix “A” to the Sixth Report [[Caselines Master E1013](#)].

5. The Liquidator also seeks an order authorizing the Liquidator to pay the Surplus Funds to the Purchaser. The Surplus Funds are unused funds held by 1950979 that were advanced under a mortgage which the Purchaser assumed as part of its acquisition of 1950979's property pursuant to an approval and vesting order of the Court. Since the Purchaser assumed 1950979's rights and obligations under the mortgage, it is entitled to the Surplus Funds in accordance with the terms and conditions of the mortgage.⁹

6. Lastly, the Liquidator seeks the Court's approval of its latest reports, activities and fees, including those of its independent legal counsel, Reconstruct LLP.

III. FACTS

A. The Surplus Funds

7. 1950979 (the "**Prior Owner**") owned the property municipally known as 888 Whitefield Drive, Peterborough ("**888 Whitefield**"). On September 11, 2023, this Court granted an approval and vesting order (as updated on September 11, 2023, the "**Updated AVO**") approving the Liquidator's sale of 888 Whitefield to a corporation owned by the Respondent (the "**Purchaser**") pursuant to the terms of an agreement of purchase and sale dated May 25, 2023 (as amended, the "**APS**").¹⁰

8. The Prior Owner financed the construction of 888 Whitefield under a mortgage (the "**CMHC Mortgage**") from Canada Mortgage and Housing Corporation ("**CMHC**"). On October 1, 2021, CMHC deposited the final advance under the CMHC Mortgage in the Prior Owner's general account. After payment of construction costs, the Prior Owner remained in possession of an unused balance of \$124,953 (the "**Surplus Funds**").¹¹

⁹ Sixth Report, paras. 28-33 [[Caselines Master E1009](#)].

¹⁰ Sixth Report, para. 3e. and g. [[Caselines Master E1004](#)].

¹¹ Sixth Report, para. 29 [[Caselines Master E1009](#)].

9. By letter dated October 6, 2021 (the “**CMHC Letter**”), CMHC authorized the Prior Owner to use the Surplus Funds for certain permitted purposes. As stated in the CMHC Letter, the CMHC Mortgage required the Prior Owner to hold any Surplus Funds in a segregated account. The Prior Owner did not segregate the Surplus Funds, which remained in its general account after payment of construction costs.¹²

10. The Surplus Funds, however, were identifiable as of the Appointment Order. The Prior Owner’s account balance never went below the amount of the Surplus Funds after the final advance. As of the Appointment Order, the Prior Owner had approximately \$1.2 million in its general account. Moreover, on November 2, 2023, CMHC was able to confirm to the Liquidator that the Prior Owner had not used any of the Surplus Funds.¹³

11. The Liquidator and the Purchaser agreed to close the 888 Whitefield transaction subject to the Liquidator establishing a reserve in the amount of the Surplus Funds while the Liquidator reviewed any Purchaser’s entitlement to the Surplus Funds. The Liquidator has now reviewed and is satisfied that the Purchaser is entitled to the Surplus Funds in accordance with the CMHC Mortgage and the CMHC Letter, as the assignee of the Prior Owner’s rights and obligations thereunder.¹⁴

B. The Solvent Companies¹⁵

12. The value of the Solvent Companies’ assets exceed their liabilities.

¹² Sixth Report, para. 30 [[Caselines Master E1009](#)].

¹³ Sixth Report, para. 30 [[Caselines Master E1009](#)].

¹⁴ Sixth Report, paras. 31-32 [[Caselines Master E1009](#)].

¹⁵ Sixth Report, para. 16 [[Caselines Master E1006](#)].

13. 1950979's assets total approximately \$3.1 million, comprised of the Surplus Funds (\$124,953), cash in a TD bank account (\$305,209), and proceeds from the Liquidator's sale of assets and collection of receivables (\$2,668,267).

14. 1950979's liabilities total approximately \$824,024, plus any capital gain taxes that Canada Revenue Agency ("**CRA**") could assess before delivering a clearance certificate. 1950979's liabilities include the payment of the Surplus Funds to the Purchaser and an intercompany loan payable to Parkview Homes Inc. ("**PHI**"), a company related to the Respondent, in the amount of \$699,071.¹⁶

15. 1827403's assets include cash proceeds of \$16,176 and a \$1,717,000 account receivable from PHI.¹⁷ 1827403's liabilities include an income tax balance of \$42,072 for the financial year ended October 31, 2021, plus estimated interest and penalties of \$18,775, for a total of \$60,847.

C. The Insolvent Companies¹⁸

16. The Insolvent Companies' liabilities exceed the value of their assets.

17. The Insolvent Companies' sole assets consist of cash. The Liquidator holds funds totaling \$514,299 for 1950941, \$4,050 for 1853997, \$31,538 for 1885926, and \$2,733 for 1950940.

18. 1950941 and 1950940's liabilities include, among other things, accounts payable to PHI¹⁹ in the amounts of \$1,006,000 and \$49,000, respectively. Those accounts payable exceed the aforementioned proceeds.

¹⁶ Pursuant to an order of the Court dated October 11, 2023, PHI was assigned in bankruptcy and the Liquidator was appointed as trustee-in-bankruptcy of PHI: Sixth Report, para. 35.b. [[Caselines Master E1010](#)].

¹⁷ *Id.*

¹⁸ Sixth Report, para. 24 [[Caselines Master E1008](#)].

¹⁹ See above, note 16.

19. 1853997 and 1885926 have minimal assets which are exceeded by those companies' share of the cost of these proceedings to date. The Liquidator evaluates such share at \$28,250 per company.

D. The key terms of the Claims Process Order²⁰

20. The key terms of the proposed Claims Process Order are as follows.

a. Excluded Claims (para. 1.m.): the Claims Process Order provides that the following claims are not subject to the Claims Process and will not be barred as of the Claims Bar Date (as defined below): (i) any claim of the Liquidator and its counsel, and (ii) all claims that will be reflected in a clearance certificate from CRA, which the Liquidator must obtain prior to any distribution.

b. Notice of Claims Process (paras. 2-6): the Liquidator will post a notice of the Claims Process in the National Edition of the National Post, will make the proof of claim package available on its website, and will provide a copy of the proof of claim package to all known creditors as soon as practicable after the date of the Claims Process Order. The proposed Claims Process Order provides that such actions shall be deemed to constitute sufficient notice of the Claims Process and the Claims Bar Date.

c. Claims Bar Date (para. 1.e.): March 31, 2024, at 5:00 p.m. Toronto time (the "**Claims Bar Date**").

d. Liquidator to assess timely proofs of claims (paras. 10-12): the Liquidator shall review all proofs of claims received before the Claims Bar Date and determine whether, on a balance of probabilities, each claim is proven in whole or in part. The Liquidator shall provide a notice to each creditor that the Liquidator has determined the applicable claim

²⁰ A draft of the Claims Process Order is included at tab 3 of the Liquidator's motion record [[Caselines Master E1153](#)].

to be proven or not proven in whole or in part, as applicable, no later than 20 business days after the Claims Bar Date.

e. Creditor's right to appeal to the Court (paras. 13-15): any creditor whose claim is denied by the Liquidator may appeal the Liquidator's determination to the Court, as of right, by (i) delivering to the Liquidator, within five Business Days of the notice of disallowance, a notice of dispute including the reasons for which the creditor disagrees with the Liquidator's determination, and (ii) unless the Liquidator agrees otherwise, bringing a motion to the Court within ten business days of the notice of disallowance. The Claims Process Order provides that any such appeal shall be a true appeal and not a *de novo* appeal.

f. Claims Extinguished (paras. 8, 14-17): the Claims Process Order provides that the following claims shall be forever extinguished and barred: (i) claims in respect of which the creditor has not filed a proof of claim by the Claims Bar Date; and (ii) claims which the Liquidator has determined are not proven claims, save any successful appeal in accordance with the Claims Process.

E. Approval of fees

21. The last fee approval order was on September 11, 2023 and approved the Liquidator's and its counsel's fees up to August 28, 2023 and June 30, 2023, respectively.²¹

22. The Liquidator and its counsel's fees and disbursements for the period to February 6 and January 31, 2024, respectively, are set out in the fee affidavits of Mr Bryan Gelman of Albert Gelman Inc., sworn February 8, 2024, and the fee affidavit of Mr. Brendan Bissell of

²¹ [The September 11, 2023 order is available on the Liquidator's website.](#)

Reconstruct LLP, sworn February 14, 2024 (together, the “**Fee Affidavits**”). Both Fee Affidavits attach true copies of detailed bills.²²

23. As set out in the Fee Affidavits, the Liquidator has incurred fees of \$56,125.50 plus HST of \$4,490.04 totaling \$63,421.82 for the period from August 29, 2023 to February 6, 2024, and Reconstruct LLP incurred fees of \$34,615.92 and disbursements of \$740.92, plus HST of \$4,500.07, totaling \$39,115.99 for the period from July 1, 2023 to January 31, 2024.²³

IV. ISSUES AND LAW

24. The issues on this motion are whether the Court should:

- a. approve the proposed Claims Process;
- b. authorize and direct the Liquidator to assign the Insolvent Companies in bankruptcy and to act as the Insolvent Companies’ trustee-in-bankruptcy under the BIA;
- c. authorize the Liquidator to release the Surplus Funds to the Purchaser;
- d. approve the Fifth Report and the Sixth Report and the Liquidator’s activities described therein; and
- e. approve the fees and disbursements of the Liquidator and its independent counsel.

A. The Court should approve the Claims Process

25. It is trite that the Court has jurisdiction to order claims determination and barring processes in BCA liquidation proceedings. In particular, section 209 of the BCA provides that the Court may

²² The fee affidavit of Mr. Bryan Gelman of Albert Gelman Inc., sworn February 8, 2024, is appended as Appendix “M” to the Sixth Report [[Caselines Master E1111](#)]; the fee affidavit of Mr. Brendan Bissell of Reconstruct LLP, sworn February 14, 2024, is appended as Appendix “N” to the Sixth Report [[Caselines Master E1126](#)].

²³ *Id.*

“*may make any interim or other order as is considered just*”, vesting the Court with a broad jurisdiction to make orders that assist the liquidation process.²⁴

26. Section 228 of the BCA provides that, “*for the purposes of proving claims*” in the liquidation proceeding, section 25 of the *Assignment and Preferences Act*²⁵ (the “**APA**”) applies with necessary modifications. That section sets out the rudiments of a claims process, namely, that all creditors must prove their claims with the liquidator, and that the Court may order a time within which claims must be proven failing which they shall be barred.²⁶

27. Section 25 of the APA does not however set out the particulars of the claims procedure. Court-appointed liquidators in BCA liquidation proceedings therefore typically obtain orders, such as the proposed Claims Process Order, modeled after claims process orders regularly granted in receiverships and other insolvency proceedings. This, among other things, provides transparency and certainty for the Liquidator and creditors.²⁷

28. The Liquidator submits that the Claims Process Order should be granted. The terms of the proposed Claims Process are typical, reasonable, and efficacious. Among other things:

- a. creditors will receive reasonable notice of the process through the publication of the Claims Process and Claims Bar Date in a national newspaper, and the Liquidator will notify all known creditors directly;

²⁴ [BCA, s. 209](#). Recent precedents include, among others, the Claims Procedure Order of McEwen J. dated April 13, 2018, referred to in [Basegmez et al. v Akman et al., 2022 ONSC 4127, para. 31](#); the [Claims Procedure Order of Gilmore J. dated February 11, 2022](#), which, among other things, ordered that “*strict compliance with the requirements set out in section 228 of the OBCA are hereby waived*”; the [Claims Procedure Order of Koehnen J. dated November 1, 2021](#); the [Claims Process Order of Koehnen J. dated November 4, 2021](#); the [Claims Procedure Order of Dunphy J. dated June 11, 2021](#), approving a “negative” or “reverse” claims procedure; the [Bar Date Order of Cavanagh J. dated October 8, 2021](#); and the [Claims Procedure Order of McEwen J. dated August 29, 2019](#).

²⁵ [R.S.O. 1990, c. A.33](#) (the “**APA**”).

²⁶ [APA, s. 25](#).

²⁷ See above, note 24.

b. creditors are afforded more than five weeks to file claims before the Claims Bar Date, which is ample time in the circumstances and can be extended by further order of the Court if necessary;

c. creditors who disagree with the Liquidator's determination of a claim are provided with a direct right of appeal to the Court; and

d. the provision that any appeal shall be a true appeal is appropriate as it strikes a reasonable balance between the creditors' direct right of appeal and the interest of the estate in an expeditious and cost-effective process.

29. Overall, the Claims Process is a reasonable process that will allow the Liquidator to conclusively determine the universe of creditors and claims against the Solvent Companies, which is a key step in the winding-down process.

30. Upon completion of the Claims Process, the Liquidator will report to the Court on the outcome of it and will bring a motion for a distribution order when appropriate.

B. The Court should authorize and direct the Liquidator to assign the Insolvent Companies in bankruptcy and to act as trustee-in-bankruptcy

31. The Liquidator has determined that the Insolvent Companies are "insolvent" within the meaning of the BIA since their liabilities exceed their assets.²⁸ As such, a bankruptcy under the BIA is the appropriate process to ascertain claims against the Insolvent Companies and distribute their assets, if any, to their respective creditors.

²⁸ [BIA, s. 2. definition of "insolvent person"](#).

32. The Court may direct the Liquidator to assign the Insolvent Companies in bankruptcy pursuant to, *inter alia*, section 209 of the BCA, which, as seen above, gives the Court broad jurisdiction to make orders that are just and appropriate in the circumstances.²⁹

33. It is just and appropriate for the Liquidator to act as the Insolvent Companies' trustee-in-bankruptcy. Paragraph 27 of the Appointment Order expressly provides that the Liquidator shall be authorized to do so,³⁰ and the Liquidator is already familiar with the Companies' assets, liabilities and affairs generally, saving time and costs.

C. The Court should authorize the Liquidator to release the Surplus Funds to the Purchaser

34. In accordance with the APS and the AVO, the Purchaser was assigned all the obligations and acquired all the rights of the Prior Owner under the CMHC Mortgage, including with respect to the Surplus Funds. The Liquidator submits that the Prior Owner's failure to segregate the Surplus Funds is immaterial given, among other things, that the Prior Owner did not use the Surplus Funds and that the Surplus Funds were identifiable at all relevant times.

35. Nothing in the Ancillary Order does or is intended to alter the rights and obligations assigned to the Purchaser and associated with the Surplus Funds, including for example as to the possession or use thereof, whether under the CMHC Mortgage, the CMHC Letter or otherwise. The Ancillary Order only authorizes the Liquidator to transfer the Surplus Funds to the Purchaser as the assignee of the Prior Owner's rights and obligations to CMHC, to be handled in accordance with the arrangements in place.

²⁹ [BCA, s. 209](#).

³⁰ Appointment Order, para. 27 [[Caselines Master E1013](#)].

36. The Liquidator understands that the Shareholders agree, and that CMHC is not opposed, to the delivery of the Surplus Funds to the Purchaser. The Liquidator therefore respectfully requests this Court's direction to transfer the funds over to the Purchaser.

D. The Court should approve the Liquidator's reports and activities

37. The Court has jurisdiction to approve the Liquidator's reports and activities.³¹ The last activity approval order was on September 11, 2023.³² The Liquidator's activities since then are set out in detail in the Fifth and Sixth Reports. The Liquidator respectfully submits that its reports and activities are appropriate and in the interest of stakeholders. Their approval would provide stability which will benefit, among other things, an orderly Claims Process.³³

E. The Court should approve the fees and disbursements of the Liquidator and its independent counsel

38. In accordance with paragraph 18 of the Appointment Order, the Liquidator respectfully requests the Court's approval of the fees and disbursements of the Liquidator and its independent legal counsel, Reconstruct LLP.³⁴

39. Section 222 of the BCA provides that "*the costs, charges and expenses of a winding up, including the remuneration of the liquidator, are payable out of the property of the corporation in priority to all other claims.*"³⁵

40. The Liquidator and its independent counsel's fees and disbursements are supported by the Fee Affidavits which attach true copies of detailed bills and confirm *inter alia* that the fees are

³¹ [BCA, s. 209.](#)

³² [The September 11, 2023 order is available on the Liquidator's website.](#)

³³ See [Target Canada Co. \(Re\), 2015 ONSC 7574, paras. 2 and 23.](#)

³⁴ A copy of the Appointment Order is Appendix "A" to the Sixth Report [[Caselines Master E1013](#)].

³⁵ [BCA, s. 222.](#)

comparable to those charged by other Toronto firms for like services.³⁶ The Liquidator respectfully submits that the fees are reasonable in the circumstances and may be approved by the Court.³⁷

V. RELIEF REQUESTED

41. The Liquidator therefore seek a Claims Process Order and an Ancillary Order in the forms of the drafts included at tabs 3 and 4 of the motion record, respectively.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 16TH DAY OF FEBRUARY, 2024

/s Joel Turgeon

RECONSTRUCT LLP
Lawyers for the Applicants

³⁶ The fee affidavit of Mr. Bryan Gelman of Albert Gelman Inc., sworn February 8, 2024, is appended as Appendix "M" to the Sixth Report [[Caselines Master E1111](#)]; the fee affidavit of Mr. Brendan Bissell of Reconstruct LLP, sworn February 14, 2024, is appended as Appendix "N" to the Sixth Report [[Caselines Master E1126](#)].

³⁷ See [Confectionately Yours Inc. \(Re\), 2002 CanLII 45059 \(ON CA\)](#).

SCHEDULE "A" - LIST OF AUTHORITIES

1. <u>Target Canada Co. (Re), 2015 ONSC 7574.</u>
2. <u>Confectionately Yours Inc. (Re), 2002 CanLII 45059 (ON CA)</u>

SCHEDULE “B” – STATUTORY AUTHORITIES

[Business Corporations Act, R.S.O. 1990, c. B.16](#)

207 (2) Upon an application under this section, the court may make such order under this section or section 248 as it thinks fit.

209 The court may make the order applied for, may dismiss the application with or without costs, may adjourn the hearing conditionally or unconditionally or may make any interim or other order as is considered just, and upon the making of the order may, according to its practice and procedure, refer the proceedings for the winding up to an officer of the court for inquiry and report and may authorize the officer to exercise such powers of the court as are necessary for the reference.

222 The costs, charges and expenses of a winding up, including the remuneration of the liquidator, are payable out of the property of the corporation in priority to all other claims.

248 (3) In connection with an application under this section, the court may make any interim or final order it thinks fit including, without limiting the generality of the foregoing,

- (a) an order restraining the conduct complained of;
- (b) an order appointing a receiver or receiver-manager;
- (c) an order to regulate a corporation’s affairs by amending the articles or by-laws or creating or amending a unanimous shareholder agreement;
- (d) an order directing an issue or exchange of securities;
- (e) an order appointing directors in place of or in addition to all or any of the directors then in office;
- (f) an order directing a corporation, subject to subsection (6), or any other person, to purchase securities of a security holder;
- (g) an order directing a corporation, subject to subsection (6), or any other person, to pay to a security holder any part of the money paid by the security holder for securities;
- (h) an order varying or setting aside a transaction or contract to which a corporation is a party and compensating the corporation or any other party to the transaction or contract;
- (i) an order requiring a corporation, within a time specified by the court, to produce to the court or an interested person financial statements in the form required by section 154 or an accounting in such other form as the court may determine;
- (j) an order compensating an aggrieved person;
- (k) an order directing rectification of the registers or other records of a corporation under section 250;
- (l) an order winding up the corporation under section 207;
- (m) an order directing an investigation under Part XIII be made; and
- (n) an order requiring the trial of any issue.

[Bankruptcy and Insolvency Act, R.S.C., 1985, c. B-3](#)

2. In this Act,

insolvent person means a person who is not bankrupt and who resides, carries on business or has property in Canada, whose liabilities to creditors provable as claims under this Act amount to one thousand dollars, and

(a) who is for any reason unable to meet his obligations as they generally become due,

(b) who has ceased paying his current obligations in the ordinary course of business as they generally become due, or

(c) the aggregate of whose property is not, at a fair valuation, sufficient, or, if disposed of at a fairly conducted sale under legal process, would not be sufficient to enable payment of all his obligations, due and accruing due; (*personne insolvable*)

[Assignments and Preferences Act, R.S.O. 1990, Chapter A.33](#)

25 (1) All persons claiming to be entitled to rank on the estate shall furnish to the assignee particulars of their claim proved by affidavit and such vouchers as the nature of the case admits.

(2) Where a person claiming to be entitled to rank on the estate does not, within a reasonable time after receiving notice of the assignment and of the name and address of the assignee, furnish to the assignee satisfactory proofs of claim as provided by this and the preceding sections, the judge upon summary application by the assignee or by any other person interested in the estate, of which application at least three days notice shall be given to the claimant, may order that unless the claim is proved to the satisfaction of the judge within a time to be limited by the order, the claimant shall be deemed to be no longer a creditor of the estate and is wholly barred of any right to share in the proceeds thereof.

PAUL JOSEPH DIETRICH
Applicant

STEVEN ROBERT MCLAREN
Respondent

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

LIQUIDATOR'S FACTUM
(motion returnable February 21, 2024)

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