

**Schedule "A" – Proof of Lien Claim Form**

**PROOF OF CLAIM**

*Terms not otherwise defined herein shall have the meanings ascribed to them in the order of Justice Cavanagh dated November 5, 2024 (the "**Lien Claims Process Order**").*

**A. PARTICULARS OF THE CLAIMANT:**

(1) Full Legal Name of the Claimant (include trade name, if different):

.....

.....

(the "**Claimant**"). The full legal name should be the name of the Claimant notwithstanding whether an assignment of a Claim, or a portion thereof, has occurred prior to or following the Lien Claims Process Order.

(2) Full Mailing Address of Claimant: (The mailing address should be the mailing address of the Claimant and not any assignee)

.....

.....

(3) Telephone Number of Claimant:

.....

(4) E-mail Address of Claimant:

.....

(5) Attention (Contact Person): .....

Has the Claim set out herein been sold, transferred or assigned by the Claimant to another party?

Yes: [ ]      No: [ ]

**B. PARTICULARS OF THE ASSIGNEE(S) (IF APPLICABLE)**

.....

*If the Claim set out herein has been sold, transferred or assigned, complete the required information set out below. If there is more than one assignee, please attach a separate sheet which contains all of the required information set out below for each assignee.*

(1) Full Legal Name of the Assignee:

.....

(2) Full Mailing Address of the Assignee:

.....

- (3) Telephone Number of Assignee: .....
- (4) E-mail Address of Assignee: .....
- (5) Attention (Contact Person): .....

**C. PROOF OF CLAIM**

THE UNDERSIGNED HEREBY MAKES OATH AND SAYS AS FOLLOWS:

(1) That I:

am a Claimant with respect to real property municipally known as 39, 53 and 67 Jefferson Side Road, Richmond Hill, Ontario (the "**Property**") or (*if applicable*) am the:

.....

(state position or title)

of

.....

(Name of Claimant)

(2) That I have knowledge of all of the circumstances connected with the Claim described and set out below:

(3) The Claimant seeks payment of \$ ..... [*Insert \$ value of claim*] CAD on account of services and materials supplied to an improvement on the Property **on or after** December 21, 2023 (the Appointment Date) and before June 1, 2024; and \$..... on account of interest and legal fees on the same [*Provide particulars of interest claim and calculation of same along with particulars of legal fee claim*]

Has the Claimant registered a lien against the Property on or before the date of the Lien Claims Process Order

Yes: [ ] No: [ ]

(4) The Claimant seeks payment in respect of a lien of \$ ..... [*Insert \$ value of Claim*] CAD registered against the Property on account of services and materials supplied to an improvement on the Property **before** December 21, 2023 (the "**Appointment Date**") and \$..... on account of interest on the same [*Provide particulars of interest claim and calculation of same*]

(5) The Claimant seeks payment in respect of a lien of \$ ..... [*Insert \$ value of claim*] CAD registered against the Property on account of services and materials supplied to an improvement on the Property **on or after** December 21, 2023 (the Appointment Date) and \$..... on account of interest and legal fees on the same [*Provide particulars of interest claim and calculation of same along with particulars of legal fee claim*]

*NOTE: Claims in a foreign currency are to be converted to Canadian Dollars at the Bank of Canada noon spot rate as of the date of the Lien Claims Process Order.*

**D. PARTICULARS OF CLAIM**

Other than as already set out herein, the particulars of the undersigned's total Claim are attached in the form of the Documentation (as defined in the order of Justice Cavanagh, dated November 5, 2024)

SWORN BEFORE ME at the )  
 )  
 \_\_\_\_\_ in the )  
 Province of \_\_\_\_\_ )  
 this \_\_\_\_\_ day of \_\_\_\_\_ )  
 )  
 \_\_\_\_\_ )  
 A Commissioner, or Notary Public, etc. )

\_\_\_\_\_  
*Name of Deponent*

*[or if sworn via video conferencing]*

SWORN REMOTELY by )  
 \_\_\_\_\_ at the )  
 )  
 \_\_\_\_\_ )  
 in the \_\_\_\_\_ )  
 on \_\_\_\_\_, 2024 )  
 in accordance with O. Reg. 431/20, )  
 Administering Oath or Declaration Remotely )

\_\_\_\_\_  
A Commissioner, or Notary Public, etc.

\_\_\_\_\_  
*Name of Deponent*

**E. FILING OF CLAIM**

This Proof of Claim form must be received by the Receiver, Albert Gelman Inc., by no later than 5:00 p.m. (Eastern Standard time) on December 5, 2024 (the “**Claims Bar Date**”) at the following physical address or email address:

Albert Gelman Inc., in its capacity as court-appointed receiver  
of 2011836 Ontario Corp. and Jefferson Properties Limited Partnership  
(the “**Debtors**”)

250 Ferrand Drive, Suite 403  
Toronto, ON M3C 3G8  
Attention: Terry Scott  
[tscott@albertgelman.com](mailto:tscott@albertgelman.com)

Failure to file your Proof of Claim and any required documentation as directed in relation to any Claim by 5:00 p.m. (Eastern Standard Time) on the Claims Bar Date will result in your Claim being forever barred and extinguished, and you will be prohibited from making or enforcing that Claim against the Property, the Receiver or the Debtors and shall not be entitled to further notice or distribution, if any, in respect of that Claim, and shall not be entitled to participate as a Claimant in these proceedings in respect of that Claim.

**Schedule "1" – Documentation**

- (a) copy of the Claimant's registered construction lien and any written notice of lien;
- (b) copies of the Claimant's Statement of Claim and Certificate of Action;
- (c) documentation evidencing the last date on which the Claimant provided service, materials or labour to the applicable improvement in the case of a subcontractor or the date of completion, abandonment or termination of the contract in the case of a contractor;
- (d) a copy or particulars of any contract, subcontract, purchase order or agreement upon which the Claimant assert its materials, services and labour were provided under (the "**Contract**"), including the names of the parties to the Contract and the date it was entered into;
- (e) a statement of account under the Contract and particulars and documents substantiating the quantum of the Claim, including:
  - (i) the price of the Contract;
  - (ii) the total amount invoiced by the Claimant, including a copy of the invoices and dates the invoices were sent;
  - (iii) the total amount paid to the Claimant under the Contract, including the date and amount of payments received;
  - (iv) the amount of the Claim that comprises of holdback and amounts invoiced within the scope of the Contract; and
  - (v) the amount of the Claim that comprises of extra to the Contract, along with any relevant documentation substantiating the extra amount sought, such as notice of extras, request for extras, request for change orders, executed change orders, executed change directives, amendments or purchase orders and time and material sheets;
- (f) statutory declaration(s) that attest to the work is complete and performed is in accordance or in compliance with the Contract;
- (g) for Claimants who operated on a time and materials (T&M) basis, evidence of authorization to perform work;
- (h) for Claimants who provided materials, statutory declaration(s) that attest the materials were ordered/requested and delivered;
- (i) a copy of any labour and material payment bond posted by a subcontractor with a contractor or by a subcontractor with a subcontractor;

- (j) documentation evidencing service, materials and labour provided to the applicable improvement including, but not limited to, the following:
  - (i) completed and approved timesheets of employees and subcontractors;
  - (ii) subcontractor invoices;
  - (iii) payroll registers and records;
  - (iv) bank statements, electronic fund transfer receipts and cancelled cheques evidencing remittances by the Claimant to employees and subcontractors;
  
- (k) all documents related to the fulfillment of work agreements including, but not limited to, the following:
  - (i) WSIB clearance certificates for the dates the work was performed;
  - (ii) proof of insurance showing coverage for the dates the work was performed;
  - (iii) shop drawings;
  - (iv) as built(s);
  - (v) schematics;
  - (vi) warranties and guarantees; and,
  - (vii) third party verifications / certifications;
  
- (l) any other documents or information as the Receiver may reasonably request for the purpose of assessing and determining any Claims in accordance with the Lien Claim Process Order.