



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ ENDORSEMENT FORM

COURT FILE NO.: CV-24-725570-00CL DATE: NOVEMBER 27, 2024

NO. ON LIST: 2

TITLE OF PROCEEDING: MELVYN EISEN v WOODINGTON ESTATES INC. et al

BEFORE: JUSTICE W.D. BLACK

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
David Ullman	Northbridge	dullmann@blaney.com
Danish Afroz, Harvey Chaiton	Melvyn Eisen	Dafroz@chaitons.com , harvey@chaitons.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Tom Friedland	Goldy Metals Holdings Inc	tfriedland@goodmans.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Nicole Maragna	Silvio Construction Co. Ltd., lien claimant	nmaragna@bianchipresta.com

ENDORSEMENT OF JUSTICE W.D. BLACK:

- [1] This matter was scheduled as a motion to appoint Albert Gelman Inc. as receiver over the assets, undertaking and property of Woodington Estates Inc. (“Woodington”), including the real property owned by Woodington at 7110 4th line, Tottenham, Ontario (the “Golf Course Lands”).
- [2] On October 8, 2024, the receivership application was adjourned on terms and conditions set out in a letter agreement dated October 8, 2024 (the “Letter Agreement”). This agreement was confirmed in Kimmel J.’s endorsement of October 10, 2024.
- [3] The agreement required Woodington to provide post-dated cheques to the Lenders for monthly interest payments commencing on October 15, 2024.
- [4] Unfortunately one or more of these cheques was returned due to insufficient funds. The Letter Agreement provided that, in the event of non-payment of the monthly interest payments, Woodington had consented to the appointment of the receiver.
- [5] The motion scheduled for today was to give effect to that agreed consequence.
- [6] However, the parties have continued to discuss the matter, and reached a further agreement (contemplating a further opportunity for Woodington to pay the arrears). The parties also agreed on language to confirm the further agreement, as follows:
- “On consent, the Receivership Order in the form initialled by me shall issue and become effective upon Eisen or Goldy metals filing a certificate confirming non-payment by Woodington by wire transfer of the Monthly Interest Payment arrears and the December Monthly Interest Payment by 2:00 p.m. on Friday, November 29, or the non-payment by Woodington by wire transfer of any subsequent Monthly Interest Payments when due in accordance with the Adjournment Agreement between the parties, a copy of which is attached at Tab 2A of the Applicant’s motion record. Woodington shall also deliver to counsel for the Applicant and Goldy Metals by Friday, November 29, 2024, the duly executed Direction re Funds contemplated by the Adjournment Agreement failing which Woodington shall be in default and the applicant shall be entitled to the Receivership Order on or after Monday, December 2nd (2024), without notice to Woodington.”
- [7] Woodington’s counsel confirmed the agreement described above. He also noted that there is a sale pending of a related property, such that, in any event, Woodington may be in a position to redeem the debt at issue in the relatively near term, and asked that the Receiver not act in haste in the event that the outstanding interest payments are not met and the Receivership comes into being.
- [8] Counsel did not seek, and nor would I make, an order to that effect. I am confident that this Receiver – if its appointment is confirmed – will exercise its duties and discretion in a measured and appropriate fashion.
- [9] The parties expect that developments in the near term, and the results of whatever transpires, can be addressed in writing. I have advised the parties that, if need be, I would be prepared to see them early one morning next week if any issues arise.

[10] On Monday, December 2, 2024, I received confirmation from counsel, including by way of a signed certificate of non-payment, that no additional amounts have been paid. In the circumstances I have signed the receivership order sought, attached.



W.D. BLACK J.

RELEASED: DECEMBER 2, 2024