



SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

ENDORSEMENT

COURT FILE NO.: CV-23-00710795-00CL DATE: August 20, 2025

NO. ON LIST: 1

TITLE OF PROCEEDING: CAMERON STEPHENS MORTGAGE CAPITAL LTD. v. 2011836
ONTARIO CORP. et al

BEFORE: JUSTICE CAVANAGH

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---|---------------------------|
| Wendy Greenspoon-Soer | Counsel for the Applicant, Cameron Stephens Mortgage Capital Ltd. | wgreenspoon@garfinkle.com |

For Defendant, Respondent, Responding Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|------------------------------|----------------------|
| Fanseay Wang | Respondent, Self-Represented | fwang2025@icloud.com |

For Other:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---|-----------------------------|
| Ryan Shah | Counsel for the Receiver, Albert Gelman Inc. | ryan.shah@paliareroland.com |

ENDORSEMENT OF JUSTICE CAVANAGH:

[1] This hearing was scheduled by Justice Steele in her endorsement dated July 18, 2025.

[2] One of the purposes of this hearing was to address Mr. Wang’s request for a further extension of time to file a response to the Receiver’s Request for Stay or Dismissal under rule 2.1 of the *Rules of Civil Procedure* (the “Request”) to stay or dismiss Mr. Wang’s motion brought by way of notice of motion dated May 9, 2025. The Request is dated May 29, 2025.

[3] At the hearing, I denied Mr. Wang’s request for an extension of time to file a response to the Receiver’s rule 2.1.02 motion. Mr. Wang had already received an indulgence from the Court for an extension of time (from June 18, 2025 to July 11, 2025). Mr. Wang let this deadline pass without seeking a further extension. Mr. Wang has had responsibilities caring for his very ill parent, but he has taken time to prepare materials for another motion. I do not accept that Mr. Wang was unable to prepare a response (limited to 10 pages) within the extended time given to him.

[4] I now address the Receiver’s Request under rule 2.1.02.

[5] The Receiver’s Request is made on the ground that on its face Mr. Wang’s motion appears to be frivolous or vexatious or otherwise an abuse of the process of the court. The Receiver submits that this is so because Mr. Wang’s motion seeks relief which is substantially duplicative of previous relief requested by Mr. Wang in two affidavits he swore in opposition to a motion heard by Justice Steele on May 2, 2025.

[6] The Receiver, in its motion heard on May 2, 2025, sought an increase in the approved borrowings of the Receiver, approval of the Receiver’s Interim Statement of Receipts and Disbursements, approval of the fees and disbursements of the Receiver and its counsel, a sealing order, and approval of the Receiver’s report (and supplement) and activities.

[7] Mr. Wang states in his affidavit dated April 30, 2025 that it is filed in opposition to the Receiver’s motion returnable May 2, 2025. In this affidavit, Mr. Wang states that he requests that the Court “[d]eny or strictly limit further borrowing” and appoint an independent overseer. Mr. Wang requests that the Court require budget, contract, and schedule disclosure to the debtors and secured lenders; order the Receiver to list the project for sale, or take his alternative plan “which can cap the cost and schedule”. Mr. Wang also requests that the Court grant him leave to pursue a motion to investigate and replace the Receiver and to file a claim for damages resulting from its alleged “mismanagement and potential collusion with the Applicant”.

[8] Mr. Wang filed what he describes as a Sur-Reply Affidavit dated May 1, 2025, also in opposition to the Receiver’s motion to be heard on May 2, 2025. In this affidavit, he requests that the Court “take these clarifications into consideration in assessing the Receiver’s motion”. Mr. Wang requests that the Court “dismiss or limit the Receiver’s motion in light of the above rebuttals”.

[9] The Receiver submits that in his two affidavits, Mr. Wang requested that the Court grant the following relief:

1. An Order requiring the Receiver to disclose detailed information concerning the Project including budgets, financial statements and trade contracts;
2. An Order appointing an independent construction consultant to oversee and review the Receiver's management of the Project; and
3. An Order directing the Receiver to list the Project for sale.

[10] Mr. Wang attended the May 2, 2025 hearing of the Receiver’s motion.

[11] Justice Steele released an endorsement dated May 6, 2025 with her reasons for granting the Receiver's motion. In her endorsement, Justice Steele noted that Mr. Wang, a director of the Debtors (the respondents), opposes the increase of the borrowing limit, among other things. Justice Steele also wrote:

Mr. Wang objects to the Receiver's management of the Project (defined below). Certain of the decisions objected to by Mr. Wang are *res judicata*. Specifically, the court has already approved the following in prior orders:

- a. The Receiver's decision to halt construction in January, 2024;
- b. The Receiver's decision to retain a new construction manager; and
- c. The Receiver obtaining the prior borrowing increase to \$31,500,000.

[12] Justice Steele accepted that the relief sought by the Receiver should be granted and made the requested Order. Justice Steele did not accept the evidence or argument made by Mr. Wang in his affidavits in opposition to the Receiver's motion as a ground to dismiss the Receiver's motion.

[13] It is important to note that Mr. Wang did not bring a motion claiming relief from the Court on May 2, 2025. His affidavits were filed in opposition to the Receiver's motion. Justice Steele did not accept these affidavits, including requests for relief, as proper grounds to dismiss the Receiver's motion, in whole or in part. In reaching this decision, Justice Steele was not called on the adjudicate Mr. Wang's requests for relief, other than as they may have affected the relief sought on the Receiver's motion. Justice Steele does not address the merits of Mr. Wang's requests for relief in her endorsement.

[14] Rule 2.1 is a powerful weapon available to protect parties and the administration of justice from the harms of frivolous and vexatious proceedings and those which are an abuse of the process of the court. The jurisprudence is clear that this rule is not for close calls. On this motion, the record does not show that the relief sought by Mr. Wang in his notice of motion dated May 9, 2025 was adjudicated on the Receiver's motion heard on May 2, 2025 and denied.

[15] For this reason, I conclude that Mr. Wang's May 9, 2025 notice of motion does not, on its face, appear to be frivolous or vexatious or otherwise an abuse of the process of the court because he seeks relief which is substantially duplicative of previous relief requested by him which was denied.

[16] I do not grant an order under rule 2.1.02 of the *Rules of Civil Procedure* pursuant to the Request.

[17] In making this decision, I do not wish to be taken to have approved that Mr. Wang's May 9, 2025 notice of motion was filed in a procedurally proper way. I note that in his May 9, 2025 notice of motion, Mr. Wang moves "in his capacity as court-authorized representative of the Respondent corporations". I am unaware of an order having been made granting leave for Mr. Wang to represent the respondents. I make no comment on the substance of the relief sought in Mr. Wang's May 9, 2025 notice of motion.

Cavanagh J.

Date: August 20, 2025