



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CL-26-00000005-0000

DATE: February 2, 2026

NO. ON LIST: 1

**TITLE OF PROCEEDING: WINDSOR PRIVATE CAPITAL LIMITED
PARTNERSHIP v. 2352107 Ontario Inc.**

BEFORE: JUSTICE MYERS

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Harvey Chaiton David Im	Lawyers for the Applicants & Receiver.	harvey@chaitons.com dim@chaitons.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Wendy Ngai	Lawyer for the Defendants, 2372754 Ontario Inc.	wngai@rarlitigation.com
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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Harold Rosenberg	Paul Marques Architect Inc.	h.rosenberg@battistonlaw.com

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Tushar Sabharwal	Lawyer for an unidentified person.	tsabharwal@dakllp.com
Stephanie Fernandes	Lawyer for National Bank of Canada.	sfernades@tgf.ca

ENDORSEMENT OF JUSTICE MYERS:

- [1] The Receiver recommended that the court make vesting orders to close the sales of for 20 of the 24 units. The sales agreements were entered into prior to the receivership. The order appointing the Receiver authorized it to close those sales. It has now explained why it wishes to do so in the exercise of its business judgment. Twelve vesting orders signed as asked.
- [2] I will not make an order deeming lien claims perfected without being duly filed and perfected under the *Construction Act*. I am not satisfied that the court has jurisdiction to do so. The liens are creatures of statute. I do not know how I can create them or preserve them when the statutory requisites have not been met. If that means that a stay needs to be lifted, the lien claimant can be on touch with the Receiver for consent and move if necessary.
- [3] Moreover there is no evidence that doing so is necessary to preserve the liens or to allow the sales to close. These issues do no need to be resolved today.
- [4] I am satisfied that the confidential appendices to the First and Supplemental reports ought to be sealed. Doing so is in the public interest to protect the integrity of the Receiver’s sale processes especially in the event that any of the current sales do not close. More sales are still coming for very similar units. Those sales processes need protection as well. There is no tangible harm to the open courts principle as the Receiver’s reports make fulsome disclose. In any event, the sealing is temporary so that anyone with an interest will be able to see the confidential data once the sales processes are over and the public interest in confidentiality is satisfied.

[[Applied Signature]]

[[Applied Signature Display Name]]

Date: Feb 02, 2026

