

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

THE HONOURABLE	)	MONDAY, THE 14 TH
	)	
JUSTICE DUNPHY	)	DAY OF SEPTEMBER, 2026

**WINDSOR PRIVATE CAPITAL LIMITED PARTNERSHIP
and WINDSOR II LIMITED PARTNERSHIP**

Applicants

- and -

2352107 ONTARIO INC.

Respondent

ANCILLARY RELIEF ORDER

THIS MOTION, made by Albert Gelman Inc. (“**AGI**”), in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) of the real property municipally known as 175 Melvin Robson Avenue, Aurora, Ontario (the “**Real Property**”), and all assets, undertakings and properties of 2352107 Ontario Inc. (the “**Debtor**”) situated on, arising from, used in connection with or otherwise relating to the Real Property, for orders approving the Retail Transaction and the Unit 4 Transaction and granting the ancillary relief described herein, was heard this day by Zoom videoconference.

ON READING the Third Report of the Receiver dated September 8, 2026 (the “**Third Report**”), and the appendices thereto, the Supplemental Report to the Third Report dated September 13, 2026 (the “**Supplemental Report**”) and on hearing the submissions of counsel for the Receiver and such other counsel as present at the hearing, no one appearing for any other

person on the service list, although properly served as appears from the affidavit of Karen Jones sworn September 9, 2026, filed:

SERVICE AND CAPITALIZED TERMS

1. **THIS COURT ORDERS** that the time for service and filing of the Receiver's Notice of Motion and Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that capitalized terms used but not otherwise defined in this Order have the meanings ascribed to them in the Third Report.

SEALING

3. **THIS COURT ORDERS** that: (a) Confidential Appendix "1" to the Third Report shall remain sealed until completion of the Unit 4 Transaction; (b) Confidential Appendix "2" to the Third Report shall remain sealed until completion of the sale of all Unsold Condo Units; and (c) Confidential Appendices "3" through "6" to the Third Report shall remain sealed until completion of the Retail Transaction, in each case or further Order of this Court.

DEVELOPMENT LANDS SALE PROCESS

4. **THIS COURT ORDERS** that the steps taken by the Receiver in connection with the Development Lands Sale Process, including the solicitation and evaluation of listing proposals, the selection and engagement of Lennard Commercial Realty as listing agent and the commencement of the Development Lands Sale Process, as described in the Third Report, are hereby approved.

5. **THIS COURT ORDERS** that the Development Lands Sale Process, as described in the Third Report, is hereby approved.

PROPOSED DISTRIBUTION

6. **THIS COURT ORDERS** that, following completion of the Retail Transaction and the Unit 4 Transaction, the Receiver is hereby authorized to make a distribution to Windsor II in an amount not exceeding the amount owing to Windsor II on account of the Assigned Interest, subject to maintaining such reserves as the Receiver considers necessary or appropriate for the administration of the receivership estate, including appropriate reserves in respect of the construction lien holdbacks.

MCQUEEN MAINTENANCE INC.

7. **THIS COURT ORDERS** that the Receiver is authorized and directed to immediately distribute \$33,207.75 to McQueen Maintenance Inc. (“**McQueen**”) by payment to its counsel, Rousseau Mazzuca LLP, in trust on account of its claim to the holdback in relation to its supply of services to Division I Services Inc. (“**Division I**”).

8. **THIS COURT ORDERS** that the Receiver shall retain \$65,554.25 as security for the balance of McQueen’s holdback claim (the “**McQueen Holdback Security**”).

9. **THIS COURT ORDERS** that, on or by October 30, 2026, the Receiver shall quantify and report the subcontract price and holdback attributable to the services and materials supplied by Division I.

10. **THIS COURT ORDERS** that, upon quantifying the holdback attributable to the services and materials supplied by Division I, the Receiver is authorized to and shall distribute any undisputed remaining holdback payable to McQueen on or by December 15, 2026 by payment to its McQueen’s counsel, Rousseau Mazzuca LLP, in trust and such distribution shall be from and shall not exceed the McQueen Holdback Security.

11. **THIS COURT ORDERS** that, to the extent that there is any deficit in the holdback related to Division I’s supply pursuant to the Receiver’s quantification and if McQueen disputes the quantification, McQueen may seek a determination of the Honourable Court with respect to the quantum of the holdback payable to McQueen.

12. **THIS COURT ORDERS** that the action bearing Court File No. CV-26-00000307-0000 shall be and hereby is discontinued, without costs. The discontinuance of said action shall be without prejudice to any of McQueen's rights to make a claim in relation to the McQueen Holdback Security or its rights as a creditor pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended.

INTERIM STATEMENT OF RECEIPTS AND DISBURSEMENTS

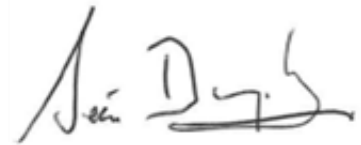
13. **THIS COURT ORDERS** that the Receiver's interim statement of receipts and disbursements as at September 4, 2026, as set out in the Third Report, is hereby approved.

APPROVAL OF REPORT AND ACTIVITIES

14. **THIS COURT ORDERS** that the Third Report and the Supplemental Report, and the activities of the Receiver described therein, are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

PROFESSIONAL FEES

15. **THIS COURT ORDERS** that the fees and disbursements of the Receiver, Chaitons LLP and Torkin Manes LLP, as described in the Third Report and the relevant fee affidavits appended thereto, are hereby approved.



S. Dunphy SCJO

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-and-

2352107 ONTARIO INC.

Applicants

Respondent

Court File No.: CL-26-00000005-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT
TORONTO

ANCILLARY RELIEF ORDER

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**Lawyers for Albert Gelman Inc., in its capacity as Court-
appointed Receiver**