



Court File No. CV-23-00706813-00CL

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

THE HONOURABLE	)	WEDNESDAY, THE 12 th
	)	
JUSTICE BLACK	)	DAY OF AUGUST, 2026

BETWEEN:

GENESIS MORTGAGE INVESTMENT CORPORATION

Applicant

-and-

1776411 ONTARIO LTD. and 1333 WEBER STREET KITCHENER LP

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-3, AS AMENDED, AND
SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C. 43, AS AMENDED**

BANKRUPTCY ASSIGNMENT AND CONSOLIDATION ORDER

THIS MOTION made by AlixPartners Restructuring, Inc. (“**AlixPartners**”), formerly KSV Restructuring Inc., in its capacity as the Court-appointed receiver and manager (in such capacity, the “**Receiver**”), without security, of all of the assets, undertakings and properties of the Respondents, 1776411 Ontario Ltd. (“**177 Ontario**”) and 1333 Weber Street Kitchener LP (“**1333 Weber LP**”, and together with 177 Ontario, the “**Debtors**”), for an order, among other things, (i) authorizing the Receiver to assign the Debtors into bankruptcy and authorizing AlixPartners to act as the trustee in bankruptcy in respect of such bankruptcies, and (ii) authorizing and directing the

consolidation of the bankruptcy estates of 177 Ontario and 1333 Weber LP (each, an “**Estate**”, and collectively, the “**Estates**”) upon the Debtors’ assignment into bankruptcy, was heard this day by judicial videoconference via Zoom.

ON READING the third report of the Receiver dated May 28, 2026 (the “**Third Report**”), and the appendices thereto, and upon hearing submissions of counsel for (i) the Receiver, (ii) GFD 1333W Limited Partnership, (iii) Equitable Bank, (iv) CMLS Financial Ltd. and (v) Werner Leuschner, Kamal Patel, Jaykam Developers Limited and 1639993 Ontario Ltd., no one else appearing, although duly served as set out in the affidavit of service of Chad Kopach sworn August 5, 2026, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Receiver’s Notice of Motion dated May 29, 2026 (the “**NOM**”), the Receiver’s Supplementary Notice of Motion dated August 5, 2026 (the “**Supplementary NOM**”), and the related motion material filed in support of that NOM and Supplementary NOM, including the Receiver’s Motion Record dated May 29, 2026, and Supplementary Motion Record dated August 5, 2026 (collectively, the “**Motion Material**”), be and is hereby abridged, that service of the NOM, the Supplementary NOM, and the Motion Material is hereby validated, and that further service thereof is hereby dispensed with.

BANKRUPTCY ASSIGNMENT

2. **THIS COURT ORDERS** that the Receiver is hereby empowered and authorized, but not obligated, to file an assignment in bankruptcy in respect of each of the Debtors, and to act as trustee in bankruptcy (in such capacity, the “**Trustee**”) in respect of each of the Estates.

CONSOLIDATION OF ESTATES

3. **THIS COURT ORDERS** that, following the assignment of 177 Ontario and 1333 Weber LP into bankruptcy, the Estates shall be consolidated and shall continue as a single proceeding under the Court file number allocated to the Estate of 177 Ontario, with AlixPartners continuing as Trustee of each the Debtors, and authorized and directed to administer the Estates on a consolidated basis for all purposes in carrying out its administrative duties and other responsibilities as Trustee under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, including, without limitation, as follows:

- (a) calling and conducting any meetings of creditors or inspectors of the Estates pursuant to one combined advertisement and one meeting;
- (b) issuing consolidated reports in respect of the Estates;
- (c) preparing, filing, advertising, and distributing any and all filings and/or notices relating to the administration of the Estates on a consolidated basis;
- (d) establishing a single bank account for the Estates;
- (e) establishing a single consolidated pool of assets containing all assets of the Estates;
and
- (f) administering all claims and making all distributions in respect of allowed claims from the consolidated pool.

4. **THIS COURT ORDERS** that following the assignment of 177 Ontario and 1333 Weber LP into bankruptcy, the Court file number of the Estate of 177 Ontario and the title of proceedings of “In the Matter of the Bankruptcy of 1776411 Ontario Ltd. and 1333 Weber Street Kitchener LP” shall be assigned to the bankruptcy proceedings for both Estates.

5. **THIS COURT ORDERS** that, following the assignment of 177 Ontario and 1333 Weber LP into bankruptcy, a copy of this Order shall be filed by the Trustee in the Court file for both Estates, but that any other document required to be filed in the bankruptcy proceedings for the Estates shall thereafter only be required to be filed in the Court file number associated with the Estate of 177 Ontario.

6. **THIS COURT ORDERS** that the consolidation of the Estates shall not: (i) affect the separate legal status and corporate structure of 177 Ontario; (ii) affect the separate legal status and limited partnership structure of 1333 Weber LP; (iii) cause 177 Ontario or 1333 Weber LP to be liable for any claim for which either is otherwise not liable; or (iv) affect the Trustee's right to seek to disallow any claim, including on the basis that such claim is a duplicative claim.

GENERAL

7. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and/or the Trustee and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such order and to provide such assistance to the Receiver and/or the Trustee, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and/or Trustee and its agents in carrying out the terms of this Order.

9. **THIS COURT ORDERS** that this Order is effective from today's date and is enforceable without the need for entry and filing.

A handwritten signature in blue ink, appearing to read "W.D. Black", is written over a horizontal line.

Justice W.D. Black

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SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**BANKRUPTCY ASSIGNMENT
AND CONSOLIDATION ORDER**

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in its capacity as Court-appointed Receiver