



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00706813-00CL

DATE: August 12, 2026

NO. ON LIST: 4

TITLE OF PROCEEDING:

GENESIS MORTGAGE INVESTMENT CORPORATION v. 1776411 ONTARIO LTD. et al.

BEFORE: JUSTICE BLACK

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Thomas Gray	Genesis Mortgage Investment Corporation	grayt@bennetjones.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Trung Nguyen	Counsel for Werner Leuschner AND Kamal Patel AND Jaykam Developers Limited and 1639993 Ontario Ltd.	trungn@simpsonwiggles.com
Eric Golden	Counsel for the Receiver AlixPartners	egolden@blaney.com
Bevin Shores	Counsel for CMLS	bevin.shores@gowlingwlg.com

ENDORSEMENT OF JUSTICE BLACK:

- [1] The Receiver, AlixPartners (in this endorsement I will use these and other terms as defined in the Receiver's materials) convened today's hearing seeking authority to assign the Debtors into bankruptcy (with AlixPartners to serve as licensed insolvency trustee) and to consolidate the two proposed bankruptcy proceedings.
- [2] In addition, the Receiver seeks an order, among other things:
- (a) Subject to the Fee Accrual, authorizing and directing the Receiver to pay to Bennett Jones LLP, in trust, the remaining surplus proceeds from the funds the Receiver has received and which it may receive in respect of the receivership administration;
 - (b) Approving the activities and proposed activities of the Receiver as described in the Supplemental Second Report and the Third Report;
 - (c) Approving the Receiver's Interim Statement of Receipts and Disbursements for the period October 12, 2023 to May 27, 2026 as set out at Appendix "I" to the Third Report;
 - (d) Approving the Receiver's fees and disbursements for the period September 1, 2024 to April 30, 2026 and the fees and disbursements of the Receiver's counsel Blaney for the period to March 31, 2026;
 - (e) Discharging AlixPartners from the powers, duties and obligations attendant to its appointment as Receiver upon AlixPartners filing the Receiver's Discharge Certificate with the court; and
 - (f) Approving the Fee Accrual for the Receiver and its counsel pending the Receiver's discharge.
- [3] Having reviewed the materials, having heard brief submissions from counsel to the Receiver, and having been advised that no party is opposing the relief sought (noting that counsel for the Debtors, along with counsel for other parties, was in attendance), I find:
- (a) The Receiver is authorized to assign the Debtors into bankruptcy. As Brown J. (as he then was) held in *Bank of Montreal v. Owen Sound Golf and Country Club*, 2012 ONSC 5578, "It is well settled that a court possesses the power to authorize a receiver to file an assignment in bankruptcy or consent to a bankruptcy order." The Debtors here have committed acts of bankruptcy and are insolvent;
 - (b) The two bankruptcy estates should be consolidated. Section 43(16) of the BIA permits the consolidation of the bankrupt estates of partners within the same partnership, and such consolidation here is warranted from a practical procedural standpoint because it will provide for greater administrative efficiency;
 - (c) AlixPartners should be appointed as Bankruptcy Trustee. The BIA permits a receiver appointed in respect of a debtor to also act as trustee in bankruptcy of the debtor. Again, this will foster efficiency, and AlixPartners is well-qualified for the role;
 - (d) The distribution order should be granted. The fees are owing subject to the Fee Accrual and are to be paid pursuant to s. 4.5(4) of the Elevate APS;

- (e) The fees, disbursements and activities of the Receiver should be approved, as well as the fees and disbursements of its counsel. The Receiver's activities have been appropriate, and its fees and disbursements and those of its counsel are reasonable in the circumstances and supported by the evidence before me.

[4] As such, I am granting and have signed the two orders sought by the Receiver.



Justice W.D. Black

Date: Aug 12, 2026