

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

B E T W E E N:

**MIZUE FUKIAGE, AKIKO KOBAYASHI, YOSHIKI FUKIAGE, KOBAYASHI
KYOHODO CO., LTD. and TORU FUKIAGE**

Applicants

and -

**CLEARVIEW GARDEN ESTATES INC., TALBOT CROSSING INC., NIAGARA
ESTATES OF CHIPPAWA II INC., LONDON VALLEY INC., LONDON VALLEY II
INC., LONDON VALLEY III INC., LONDON VALLEY IV INC., LONDON VALLEY V
INC., FORT ERIE HILLS INC., 2533430 ONTARIO INC., CGE CAPITAL
MANAGEMENT INC., TGP-TALBOT CROSSING INC., NEC II CAPITAL
MANAGEMENT INC., LV CAPITAL MANAGEMENT INC., LV II CAPITAL
MANAGEMENT INC., LV III CAPITAL MANAGEMENT INC., LV IV CAPITAL
MANAGEMENT INC., LV V CAPITAL MANAGEMENT INC. and FORT ERIE HILLS
CAPITAL MANAGEMENT INC.**

Respondents

**AIDE-MÉMOIRE OF THE RECEIVER
(Motions returnable on October 23, 2025 at 10:00 a.m.)**

1. This aide-mémoire is submitted in respect of the motions to be heard on October 23, 2025, in order to provide the Court with a roadmap for such hearing.¹

Moving Parties

2. The first moving party will be Kwang-Cheng (Tony) Wei, in his personal capacity as a Taiwanese Investor and as agent for the other Taiwanese Investors (collectively, “**Mr. Wei**”). Mr. Wei is represented by Gowling WLG (Canada) LLP (“**Gowling**”).

3. The second moving party will be KSV Restructuring Inc., which was appointed as receiver and manager (in such capacities, the “**Receiver**”) by Order of the Honourable Justice Steele dated March 6, 2025.

¹ The motions were scheduled by the Honourable Justice Steele on September 12, 2025. Her Honour’s [Endorsement](https://www.ksvadvisory.com/experience/case/clearviewgarden) is available on the Receiver’s website: <https://www.ksvadvisory.com/experience/case/clearviewgarden>

Mr. Wei's Motion

4. Mr. Wei will make a motion for,²
 - (a) an Amended and Restated Receivership Order³ to expand the appointment of the Receiver to include certain Additional Property; and
 - (b) a Representative Counsel Order⁴ appointing Gowling as representative counsel of all Investors, other than the Opt-Out Investors.

The Receiver's Motion

5. The Receiver's motion materials, including its draft Orders, contemplate that the relief sought by Mr. Wei will be granted before the Receiver's motion is heard. As such, it is proposed that Mr. Wei's motion be heard first, immediately followed by the Receiver's motion.

6. The Receiver will make a motion for,⁵
 - (a) an Approval and Vesting Order⁶ in respect of certain real property;
 - (b) a Claims Process and Interest Holdings Identification Order⁷; and
 - (c) an Ancillary Order⁸:
 - (i) approving the actions and activities of the Receiver and its counsel as described in the Third Report, Supplement to the Third Report, Second Supplement to the Third Report and the Fourth Report;
 - (ii) approving the fees and disbursements of the Receiver and its legal counsel to and including September 30, 2025; and
 - (iii) sealing the Confidential Appendices until the closing of the Sale Transaction or further Order of the Court.

² Capitalized terms in this paragraph are defined by Mr. Wei's Notice of Motion at Case Center p. [F5](#).

³ The draft Amended and Restated Receivership Order can be found at Case Center p. [F1024](#).

⁴ The draft Representative Counsel Order can be found at Case Center p. [F1106](#).

⁵ Capitalized terms in this paragraph are defined by the Receiver's Notice of Motion at Case Center p. [E1543](#).

⁶ The draft Approval and Vesting Order can be found at Case Center p. [E2195](#).

⁷ The draft Claims Process and Interest Holdings Identification Order can be found at Case Center p. [E2140](#).

⁸ The draft Ancillary Order can be found at Case Center p. [E2222](#).

No Known Opposition

7. The materials in support of the foregoing motions were served on or before October 14, 2025 pursuant to the *Rules of Civil Procedure* and the E-Service Guide of the Commercial List.

8. As of the time of finalizing this aide-mémoire, no other material has been filed in respect of the foregoing motions and no stakeholder has contacted the Receiver to raise any concerns with respect to the relief sought, nor to indicate that they intend to oppose or otherwise respond.

All of which is respectfully submitted this 21st day of October, 2025.

Per: _____



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MIZUE FUKIAGE, et al.
Applicant

- and -

CLEARVIEW GARDEN ESTATES INC., et al.
Respondents

Court File No. CV-25-00736577-00CL

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

Proceedings commenced at Toronto

**AIDE-MÉMOIRE OF THE RECEIVER
(Motions returnable on October 23, 2025)**

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