Court File Number: BK-26-03429084-0032
Estate No.: 32-3429084

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED

AND IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF SIREG 700 PARKHILL INC., SIREG 1-4 BALMORAL INC., SIREG 4 CARTIER INC., SIREG 6 CARTIER INC., SIREG 8 CARTIER INC., SIREG 10 CARTIER INC., SIREG 12 CARTIER INC., SIREG 14 CARTIER INC., SIREG 16 CARTIER INC., SIREG 1390 KENSINGTON INC., SIREG 1400-1410 KENSINGTON INC., 1000001856 ONTARIO INC., and 1000366987 ONTARIO CORPORATION

FRESH AS AMENDED FACTUM OF THE UNIT OWNERS
(Returnable October 15, 2026)

October 14, 2026

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TO: **SERVICE LIST**

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FRESH AS AMENDED FACTUM
(Returnable October 15, 2026)

PART I – OVERVIEW

1. The Moving Parties (the "**Owner Group**"), who are the owners of approximately 718 condominium units in the condominium corporations listed in Appendix "1" hereto (the "**Subject Condo Corps**"), seek the urgent appointment of Brian Antman ("**Antman**") to be the administrator for the Subject Condo Corps pursuant to section 131 of the *Condominium Act, 1998* (the "**Condo Act**").

2. The appointment of the Administrator is urgently required to bring stability to the governance and management of the Subject Condo Corps, for the reasons set out below.

3. In light of the oral directions given by the Honourable Justice Steele at the hearing of this matter on October 14, 2026 to the effect that the return of this matter would focus only on the appointment of Antman to be the administrator for those Subject Condo Corps for which this

relief has not been opposed to date (the "**Unopposed Condo Corps**"), the below submissions focus on the issue of Antman's appointment to be the administrator of the Unopposed Condo Corps.

PART II – FACTS

4. SIREG Management Inc. ("**SIREG Management**"), which is one of the entities that filed a Notice of Intention in this matter, was previously the condominium manager for approximately 43 condominium corporations across Ontario (collectively the "**Affected Condo Corps**"). Individuals connected to SIREG Management constituted the respective boards of directors of the Affected Condo Corps. The members of the boards of directors of each of the Affected Condo Corps resigned *en masse* on or about September 17, 2026, and SIREG Management's licence to provide condominium management services was suspended by the Condominium Management Regulatory Authority of Ontario on or about September 29, 2026

Joint *Aide Memoire* of the NOI Applicants and the Proposal Trustee dated October 7, 2026 (the "October 7 *Aide Memoire*"), para. 8

Affidavit of Brian Antman sworn October 12, 2026 (the "Antman Affidavit"), para. 3

5. As a result of the foregoing, each of the Affected Condo Corps currently has no governance or management structure in place. There is presently no person or group of people with any lawful authority to manage the affairs of any of the Affected Condo Corps.

***Aide Memoire* of the Proposal Trustee dated October 13, 2026, para. 6**

6. In light of the notice requirements set out in the Condo Act for meetings of owners, the earliest that new boards of directors for any of the Affected Condo Corps could be elected would be early-to-mid-November, 2026. There are issues that urgently need to be addressed prior to that time, including renewal of lapsed and expiring insurance policies, maintenance and repair issues, and threatened disconnection of utilities for non-payment. There is a significant risk

of prejudice to the stakeholders of the Affected Condo Corps if these issues are not addressed.

October 7 *Aide Memoire*, paras. 8 and 14-15

Antman Affidavit, paras. 6-7

7. With respect to the issue of the lapsed and expiring insurance policies, there is direct evidence before the court that the insurance policy for one of the Unopposed Condo Corps has been cancelled due to unpaid premiums, and that the insurance policies for two more Unopposed Condo Corps expire on October 22, 2026. It is reasonable to infer that there are other policies of insurance for other of the Unopposed Condo Corps that have expired or will expire imminently, and/or that will be cancelled due to unpaid premiums, in light of the foregoing.

Affidavit of Forrest Todd sworn October 7, 2026, para. 14

8. The Owner Group is comprised of the owners of approximately 718 condominium units. Members of the Owner Group own units in approximately 38 out of the 43 Affected Condo Corps, including all of the Unopposed Condo Corps. Although counsel for the Owner Group previously sought relief on behalf of Lambton Condominium Corporation No. 13, counsel is not retained as of the date of this Fresh as Amended Factum by any unit owner from that condominium corporation, and is therefore not seeking any relief that pertains to that condominium corporation.

Antman Affidavit, para. 5 and Appendix "1"

Affidavit of Kai Yorke-Edwards sworn October 14, 2026 (the "Yorke-Edwards Affidavit"), paras. 1 and 5

9. Antman has agreed to accept appointment as court-appointed administrator for any or all of the Affected Condo Corps.

Antman Affidavit, para. 8

PART III – LAW AND ARGUMENT

10. Subsection 131 of the Condo Act provides that the court may make an order appointing an administrator for a condominium corporation if the court is of the opinion that it would be just or convenient to do so, having regard to the scheme and intent of the Act and the best interests of the owners. In making such order, the court may specify the powers of the administrator, and may provide such directions and terms that the court may consider just. At least 120 days must have passed since the holding of a turnover meeting under section 43 of the Condo Act in order for the order to be made by the court.

***Condominium Act, 1998*, S.O. 1998, c. 19, as amended, s. 131**

11. In considering whether to appoint an administrator, the factors to be considered by the court include the following factors that are relevant in this case:

    a. whether there has been a demonstrated inability to manage the condominium corporation;

    b. whether the appointment of an administrator is necessary to bring order to the affairs of the condominium corporation; and

    c. whether the interests of the unit owners and other stakeholders can only be protected by the appointment of an administrator.

***Bahadoor v. York Condominium Corp. No. 82*, 2006 CanLII 40487 (S.C.J.) at paras. 27-28**

***Laxmi Real Estates Inc. v. Toronto Standard Condominium Corp. No. 2470*, 2025 ONSC 3417 (S.C.J.) at para. 15**

12. The court has recognized absence of a quorum of directors in office and an associated absence of effective governance as a ground for the appointment of an administrator.

***B.K. v. York Region Standard Condominium Corp. No. 1253*, 2019 ONSC 4552 (S.C.J.) at paras. 2-4**

13. The Owner Group submits that the test for the appointment of an administrator is clearly met in this case. Among other things:

a. in the absence of a board of directors or properly appointed condominium manager, the Unopposed Condo Corps are demonstrably unable to self-manage;

b. there is no reasonable prospect of bringing order to the affairs of the Subject Condo Corps in the immediate future if an administrator is not appointed, as any new boards of directors would not take office until early-to-mid-November at the earliest and would need time thereafter to familiarize themselves with the affairs of the respective Unopposed Condo Corps; and

c. the Unopposed Condo Corps will suffer substantial prejudice if there is no effective governance and management structure in place for the next several weeks. In particular, as is noted above, there is evidence before the court that the insurance policy for one of the Unopposed Condo Corps has been cancelled for non-payment of premiums, and that the insurance policies for two more of the Unopposed Condo Corps will expire on October 22, 2026.

14. Antman has the requisite knowledge, expertise and willingness to competently and properly serve the Unopposed Condo Corps as administrator. To the best of the knowledge of the Owner Group, no other person has been proposed as administrator for any of the Unopposed Condo Corps by anyone with standing to seek the appointment of an administrator under section 131 of the Condo Act.

15. While the precise dates of the turnover meetings for the Unopposed Condo Corps is not known due to a lack of access to records as of the date of this Fresh as Amended Factum, the court can safely conclude that each of the Unopposed Condo Corps (save for Leeds Standards Condominium Corporation No. 48 ("**LSCC 48**", about which there is insufficient information available) held its turnover meeting more than 120 days ago. This conclusion can be drawn from the following information, which is available on the public condominium registry that is maintained by the Condominium Authority of Ontario (the "**CAO**"):

a. each of the Unopposed Condo Corps was registered more than 120 days ago;

b. pursuant to subsection 42(1) of the Condo Act, the declarant of a condominium corporation is required to appoint the first board of directors of the corporation within 10 days of registration;

c. under subsection 42(3) of the Condo Act, the first board holds office until a new board is elected at the turnover meeting held under section 43 of the Condo Act;

d. for each of the Unopposed Condo Corps save for LSCC 48, the most recent director(s) listed in the CAO registry started their respective terms more than 10 days after the date of registration of the respective Unopposed Condo Corps. The court can therefore conclude that these directors were not members of the first board of directors;

e. in order for a subsequent board of directors to have been elected, the turnover meeting must have occurred such that the first board of directors was dissolved and replaced;

f. for each of the Unopposed Condo Corps save for LSCC 48, the most recent director(s) listed in the CAO registry started their respective terms more than 120 days ago. The court can therefore conclude that the turnover meeting must have happened more than 120 days ago.

***Condominium Act, 1998*, S.O. 1998, c. 19, as amended, ss. 42 and 43**

Yorke-Edwards Affidavit, paras. 3-4 and 6-7

PART IV – ORDER SOUGHT

16. The Owner Group respectfully requests an order in accordance with the terms of the further revised draft order that is being served with this Fresh as Amended Factum.

October 14, 2026

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Timothy M. Duggan

Schedule "A"
List of Authorities

1. *Bahadoor v. York Condominium Corp. No. 82*, 2006 CanLII 40487 (S.C.J.).

2. *Laxmi Real Estates Inc. v. Toronto Standard Condominium Corp. No. 2470*, 2025 ONSC 3417 (S.C.J.).

3. *B.K. v. York Region Standard Condominium Corp. No. 1253*, 2019 ONSC 4552 (S.C.J.).

Schedule “B”
Statutes

As set out in the body of the Factum.

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PROCEEDING COMMENCED AT TORONTO

FACTUM

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