

From: Dunphy, Mr. Justice Sean (SCJ) <[Sean.Dunphy@scj-csj.ca](mailto:Sean.Dunphy@scj-csj.ca)>  
Sent: Monday, August 23, 2021 10:01 AM  
To: George Benchetrit <[George@chaitons.com](mailto:George@chaitons.com)>; [LMangano@blg.com](mailto:LMangano@blg.com)  
Cc: Ng, Daisy (JUD) <[Daisy.Ng@ontario.ca](mailto:Daisy.Ng@ontario.ca)>; JUS-G-MAG-CSD-Toronto-SCJ Commercial List  
<[MAG.CSD.To.SCJCom@ontario.ca](mailto:MAG.CSD.To.SCJCom@ontario.ca)>  
Subject: CV-20-00650557-00CL Centurion v. Brightstar Endorsement

CAUTION: [External]

#2 CV-20-00650557-00CL - Centurion v. Brightstar et al. - Motion by BDO (Court-Appointed Receiver) 9:30am 23 August 2021

**Style of Cause:** Court File No.: CV-20-00650557-00CL ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST) BETWEEN: CENTURION MORTGAGE CAPITAL CORPORATION Plaintiff - and - BRIGHTSTAR NEWCASTLE CORPORATION, BRIGHTSTAR SENIORS LIVING CORPORATION, THE ESTATE OF ALAN CHAPPLE, JOHN BLACKBURN, JAMES BUCKLER, and LAWYSON GAY Defendants

**Counsel for Receiver:** Chaitons LLP 5000 Yonge Street, 10th Floor Toronto, ON M2N 7E9 George Benchetrit Tel: (416) 218-1141 Email: [george@chaitons.com](mailto:george@chaitons.com)

**Counsel for CGNA:** BORDEN LADNER GERVAIS LLP 3400-22 Adelaide Street West Toronto, ON M5H 4E3 Leah Mangano Email: [LMangano@blg.com](mailto:LMangano@blg.com) Tel: (416) 367-6120 Lawyers for The Guarantee Company of North America

**Mr. Rasmussen** – Kristen Rasumussen as his agent

### **Endorsement:**

The Receiver asks for a motion date to hear this matter. Having reviewed the evidence filed thus far by the Receiver (who takes no position) and the mortgagee, it is clear to me that this has a very strong likelihood of being one of those proverbial cases being fought to defend a principle that supersedes the relatively modest sum of money at issue (approx.. \$370,000). If the parties are unable to work out a consent resolution in the very near future, this matter will require proper facta and a hearing of at least 2 hours to resolve. Mr. Rasumussen is – to this point at least – unrepresented. That is his right but he will have to expend some effort to participate. The Receiver is NOT his counsel and has done pretty much all the Receiver is going to do in this case by setting forth the basic facts clearly and concisely (and none of which appear to be in any material dispute from my review of the file). The mortgagee's affidavit (Mr. Longland) does set forth some facts that Mr. Rasumussen may or may not take issue with.

I have settled the following motion timetable:

Mr. Rasumussen will file any affidavit evidence he intends to rely upon – whether to supplement the Receiver’s report or to take issue with any parts of Mr. Longland’s affidavit or indeed to bring any other facts necessary to the fore – by September 3<sup>rd</sup>.

The mortgagee will file its factum (its responding record already uploaded on to Caselines) by September 10, 2021.

Mr. Rasumussen will file his responding factum (written argument) by September 17, 2021.

Mr. Benchetrit is requested to forward a copy of this endorsement to Mr. Rasumussen or his agent Ms. Rasumussen.

This case should be set down for the first available 2 hour appointment thereafter by the Commercial List office.

[signed]

S. F. Dunphy J.

Justice Sean F. Dunphy  
Superior Court of Justice  
361 University Avenue  
Toronto, ON  
M5G 1T3