

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

BANK OF MONTREAL

Applicant

- and -

**1000000152 ONTARIO INC., 2661656 ONTARIO INC., 2485238 ONTARIO INC.,
1000098231 ONTARIO INC., PETER GEE, and KIM NGUYEN aka BACH KIM
NGUYEN**

Respondents

**IN THE MATTER OF AN APPLICATION PURSUANT TO 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**

**SUPPLEMENT TO THE FIRST REPORT OF BDO CANADA LIMITED,
IN ITS CAPACITY AS RECEIVER**

MAY 4, 2025

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OVERVIEW

1. Pursuant to an order of the Honourable Justice Penny of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) dated October 17, 2024 (the “**Appointment Order**”), BDO Canada Limited (“**BDO**”) was appointed as the receiver (the “**Receiver**”) effective January 10, 2025, without security, of all the Property (as defined in the Appointment Order) of 1000000152 Ontario Inc. (“**152**”), 2661656 Ontario Inc. (“**656**”), 2485238 Ontario Inc. (“**238**”) and 1000098231 Ontario Inc. (“**231**”, and together with 152, 656 and 238 the “**Companies**”).
2. This report (the “**Supplementary Report**”) is a supplementary report to the First Report of the Receiver dated April 29, 2025 (the “**First Report**”). The First Report was filed in support of the Receiver’s motion, returnable May 5, 2025, for *inter alia* the Sale Process Approval Order (as defined in the First Report) and the Writ of Possession Order (as defined in the First Report).
3. The purpose of this Supplementary Report is to provide the Court with:
 - (a) further information that has come to the Receiver’s attention regarding the occupants of Unit 924 and Unit 925 (each a “**Unit**” and collectively, the “**Units**”) of 373 and 381 Mosley Street, Wasaga Beach, Ontario (the “**Real Property**”) which is pertinent to, and speaks to the urgency of, the relief sought by the Receiver at the motion returnable May 5, 2025; and
 - (b) information regarding the service of the Motion Materials (as defined further below) on all persons in actual possession of the Units.

4. This Supplementary Report should be read in conjunction with the First Report. Capitalized terms used and not defined in the Supplementary Report have the meanings given to them in the First Report.

TERMS OF REFERENCE

5. In preparing this Supplementary Report and making the comments herein the Receiver has, where applicable, relied upon information prepared or provided by third-party sources (collectively, the “**Information**”). Certain of the information contained in this Supplementary Report may refer to, or is based on, the Information. As the Information has been provided by third parties or has been obtained from documents filed with the Court in this matter, the Receiver has relied on the Information and, to the extent possible, has reviewed the Information for reasonableness. However, the Receiver has neither audited nor otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Generally Accepted Assurance Standards pursuant to the Canadian Institute of Chartered Accountants Handbook and accordingly, the Receiver expresses no opinion or other form of assurance in respect of the Information.

FURTHER INFORMATION REGARDING THE OCCUPANTS OF THE UNITS

6. On April 29, 2025, the Receiver was advised by its onsite property manager that:
 - (a) Robin Delorme has vacated Unit 925;
 - (b) Mark Kennedy (“**Kennedy**”) and Kelly Teat (“**Teat**”) are permitting, on an ongoing basis, other individuals to have access to the Units; and

- (c) One of the individuals granted access to the Units by Kennedy and/or Teat: (i) is reported to have been previously charged with uttering a death threat to another individual currently residing on the Real Property; and (ii) is alleged to have recently physically attacked another occupant of the Real Property.

7. The Receiver is of the view that the unauthorized presence of the individuals occupying, or having access to, the Units has increased the risk of harm to the other residents of the Real Property. One resident of the Real Property has expressed directly to the Receiver, concerns regarding their safety due to the presence of such individuals in the Units.

8. The Receiver has also received multiple reports from residents of the Real Property, and from Chris Gee, that individuals with access to the Units are conducting drugs-related and other illegal activities in and from the Units. The Receiver believes such reports to be credible.

9. If the Receiver is authorized by the Court to pursue the Sale Process, it expects:

- (a) based on the Receiver's experience with Kennedy and Teat (including their persistent refusal to acknowledge the receivership and engage with the Receiver), that the presence of Kennedy, Teat and the other individuals with access to the Units will continue to raise concerns which the Receiver may be required to address and which in turn will frustrate the Receiver's mandate and the Sale Process; and
- (b) there will be further delay and substantial costs resulting from the Receiver's having to dealing with the occupants in the Units and their actions and activities, which will be to the prejudice of the stakeholders of the Companies' estate.

SERVICE OF THE MOTION MATERIALS

10. All of the evidence available to the Receiver indicated that, as of April 29, 2025, Teat was residing in, and was in actual possession of, Unit 924, and that Kennedy was residing in, and was in actual possession of, Unit 925.

11. All persons in actual possession of Unit 924 and Unit 925 have received notice of these receivership proceedings and of the Receiver's motion returnable May 5, 2025. With regards to

notice and service, the Receiver notes, among other things discussed in the First Report, the following:

- (a) on April 29, 2025, the Receiver's Motion Record and Factum in respect of the motion returnable May 5, 2025 (the "**Motion Materials**") were successfully served on Kennedy and Teat by e-mail transmission; and
- (b) on April 30, 2025, printed copies of the Motion Materials and a letter providing the videoconference details to attend the motion returnable May 5, 2025 were personally served on Kennedy (who was found to be present in Unit 925 on April 30, 2025), and on Teat (who was found to be present in Unit 924 on April 30, 2025).

12. Neither Kennedy nor Teat have contacted the Receiver or the Receiver's counsel following delivery of the Notice Demanding Possession or the Motion Materials.

CONCLUSION

13. For the reasons set out above, and in the First Report, the Receiver requests that the Court grant the relief described in paragraph 9(a) and (b) of the First Report.

All of which is respectfully submitted at Toronto, Ontario this 4th day of May, 2025.



BDO CANADA LIMITED,
solely in its capacity as Receiver
Per: Peter Crawley, MBA, CPA, CA, CIRP, LIT
Vice President