



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-23-00694646-00CL DATE: 4 August 2023

NO. ON LIST: 4

TITLE OF PROCEEDING: **CENTURION MORTGAGE CAPITAL CORPORATION v.  
DUNDAS SHORNCLIFFE LIMITED PARTNERSHIP et al.**

BEFORE JUSTICE: **KIMMEL**

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

Name of Person Appearing	Name of Party	Contact Info
Joey Jamil	Lawyer for the Applicant	<a href="mailto:jjamil@robapp.com">jjamil@robapp.com</a>

**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
Doug Bourassa	Lawyer for the Respondents	<a href="mailto:dbourassa@torkimanes.com">dbourassa@torkimanes.com</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info

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**ENDORSEMENT OF JUSTICE KIMMEL:**

1. Counsel attended and advised that the parties had resolved this receivership application on the basis of a consent order that will not come into force or effect until August 14, 2023, and then only if the applicant has confirmed by affidavit that it has not been repaid in full as of 9:00 a.m. that day. Their agreed upon endorsement is attached and is approved by the court.
2. The consent order, if it becomes effective, also authorizes and approves the continuation of the Sale Process as set out in the Pre-Filing Report of the Receiver dated March 23, 2023. In the meantime, one of the terms of the agreed terms of resolution is that, until the order becomes effective, the Receiver shall not enter into an agreement of purchase and sale in respect of the Lands.
3. Order to go on consent in the form signed by me today.

A handwritten signature in cursive script that reads "Kimmel J." with a period at the end.

KIMMEL J.

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

**BETWEEN:**

**CENTURION MORTGAGE CAPITAL CORPORATION**

**Applicant**

**-and-**

**DUNDAS SHORNCLIFFE LIMITED PARTNERSHIP AND DUNDAS SHORNCLIFFE LTD.**

**Respondents**

**ENDORSEMENT AUGUST 4, 2023**

The Applicant and the Respondents consent to the following resolution of the attendance on today's date:

- a. The receivership order sought by the Applicant shall be granted in the form uploaded to Caselines;
- b. Notwithstanding the granting of the order on today's date, the Order shall not be in force or effect until
  - (i) after 9:00 a.m. on Monday, August 14, 2023; and
  - (ii) the Applicant has delivered an affidavit to both the Receiver and to counsel for the Respondents attesting to the fact that the indebtedness owed to the Applicant remains unpaid as of 9:00 a.m. on Monday August 14, 2023.
- c. In the event that the Applicant receives full payment, the Order shall be null and void and shall never become effective.
- d. The Receiver is not permitted to enter into an agreement of purchase and sale in respect of the Lands until the Order is in force and effect in accordance with paragraph (b) above.

