



SUPERIOR COURT OF JUSTICE  
**COUNSEL SLIP**

COURT FILE

NO.: CV-21-00667820-00CL

DATE: 24-JUN-2022

TITLE OF  
PROCEEDING

THE TORONTO-DOMINION BANK  
v.  
9052526 CANADA INC.

BEFORE JUSTICE DIETRICH

**NAMES OF COUNSEL AND PARTY:**

- APPLICANT(S)  
- T. Hogan (Counsel for The Toronto-Dominion Bank)
- PLAINTIFF(S)

PHONE \_\_\_\_\_

EMAIL [thogan@harrisonpensa.com](mailto:thogan@harrisonpensa.com)

**NAMES OF COUNSEL AND PARTY:**

- DEFENDANT(S)
- RESPONDENT(S)
- DEFENDANT(S)
- RESPONDENT(S)

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

**NAMES OF COUNSEL AND OTHER PARTIES:**

- S. White (Counsel for proposed Receiver, BDO Canada Limited)
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PHONE \_\_\_\_\_

EMAIL [swhite@loonix.com](mailto:swhite@loonix.com)

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

**ENDORSEMENT OF JUSTICE DIETRICH:**

[1] The Applicant was last before the court on this matter on June 9, 2022. It was then seeking an order that the Appointment Order of Justice Cavanagh issued September 20, 2021 appointing BDO as Receiver over all property of the Respondent 9052526 Canada Inc. be effective against the Respondent.

[2] The Respondent was already in default under a forbearance agreement with the applicant at that time but sought a further opportunity to obtain financing so that a receivership could be avoided. The Respondent was given until June 23, 2022 at 4 p.m. to pay its indebtedness to the Applicant.

[3] The Respondent has not paid the indebtedness owing. Counsel for the Respondent, Ms. Holder, was not in attendance today, but counsel for the Applicant confirmed that Ms. Holder confirmed to him that the Respondent was not able to arrange the financing, and that the Respondent appreciated that the Appointment Order could issue today.

[4] The Respondent continues to be in default under the terms of financing advanced by the Applicant to it, and the Applicant is entitled to an order that the Appointment Order issued September 20, 2021 be and is effective as against the Respondent.

[5] Order to go in the form attached hereto and signed by me. The Order is effective as of today's date, and it does not need to be entered.

*Dietrich J.*