

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**RIVER CITY CHRISTIAN REFORMED CHURCH**

Plaintiff

and

**GRAHAM SINGH, PETER ELGERSMA, TRINITY CENTRES  
FOUNDATION, TRINITY CENTRES CAMBRIDGE, MILLER  
THOMSON LLP and COLDPOINT HOLDINGS LTD. CHRISTIAN  
REFORM CHURCH OF NORTH AMERICA - CANADA CORPORATION  
and CHRISTIAN REFORMED CHURCH EXTENSION FUND INC.**

Defendants

**FIFTH REPORT OF DELOITTE RESTRUCTURING INC.,  
IN ITS CAPACITY AS RECEIVER AND MANAGER**

**DATED SEPTEMBER 18, 2024**

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## APPENDICES

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<b>APPENDIX “K”</b>	Letter dated July 9, 2024

## BACKGROUND

1. Pursuant to the Order of the Madame Justice Dietrich, (the “**Appointment Order**”) of the Ontario Superior Court of Justice (Commercial List) (the “**Commercial List**”) dated September 21, 2021, Deloitte Restructuring Inc. was appointed receiver and manager (in such capacity, the “**Receiver**”) without security, of all of the assets, undertakings and properties of Trinity Centres Cambridge (“**TCC**”). A copy of the Appointment Order is attached as **Appendix “A”**.
2. Pursuant to the Approval and Vesting Order dated June 13, 2022, the Commercial List approved the sale and vested the Respondent’s property, assets and undertaking primarily consisting of the real property municipally known as 15 Wellington St. Cambridge Ontario (the “**Property**”) in a third-party purchaser.
3. Since the commencement of the receivership, the Receiver made considerable and repeated efforts to negotiate a resolution of the amounts owing by River City Christian Reformed Church (“**RCC**”) to TCC. Having been unable to come to a resolution with RCC, the Receiver agreed to determine certain amounts owing in the main action and brought a motion requiring RCC to pay certain post-receivership taxes, maintenance and insurance (“**TMI**”) which were in dispute in respect of the Property.
4. Pursuant to the Reasons of Justice Steel dated May 11, 2023 and delivered on May 12, 2023, a copy of which is attached as **Appendix “B”**, RCC was ordered to pay a total of \$52,977.84 to the Receiver in respect of post-receivership TMI (the “**TMI Order**”). The TMI Order was in addition to the amounts that RCC did not dispute and which at the time were also unpaid totaling \$11,116.68.

5. Pursuant to the Endorsement of Justice Steel dated May 11, 2023 and received on October 25, 2023, a copy of which is attached as **Appendix “C”**, RCC was ordered to pay costs to the Receiver in the amount of \$18,000 forthwith (the “**Cost Award**”).
6. Pursuant to the Orders of Justice Penny dated September 25, 2023:
  - (a) the funds realized in the receivership estate were paid to the secured creditor of TCC, Coldpoint Holdings Ltd.; and
  - (b) the matter was transferred back to the Kitchener Court.

Copies of the Orders and Endorsement of Justice Penny are attached as **Appendix “D”**.

## **PURPOSE**

7. The Receiver submits this, its fifth report, in support of a motion for an order for security for costs.

## **COLLECTION EFFORTS OF THE RECEIVER**

8. Since the issuance of the TMI Order, the Receiver made repeated efforts to collect the amounts owing by RCC. By email dated June 7, 2023, counsel to RCC advised that they were in the process of receiving funds and that RCC wanted to make a partial payment of the amount outstanding under the TMI Order to the Receiver. On June 13, 2023, a payment totalling \$18,000 was paid by RCC in respect of the TMI Order. A copy of the email dated June 7, 2023 is attached as **Appendix “E”**.
9. On July 6, 2023, the Receiver received a payment from RCC totaling \$25,831.07 in respect of the TMI Order which the parties mistakenly believed satisfied the amount of the TMI

Order. Upon further review, the parties agreed that additional amounts were ordered to be paid by RCC as set out in the email dated September 18, 2023, a copy of which is attached as **Appendix “F”**.

10. After the Costs Award was rendered on October 25, 2023 requiring payment forthwith, counsel to the Receiver followed up for payment from RCC on November 15, 2023. By email on November 18, 2023, counsel to RCC advised that they were in receipt of part of the amount owing which would be sent to the Receiver with the balance provided once received. A copy of that email exchange is attached as **Appendix “G”**.
11. On or about November 22, 2023, the Receiver received the amount of \$6,000 in respect of the amounts outstanding pursuant to the TMI Order and Cost Award. Counsel to the Receiver followed up again on November 24, 2023 and December 11, 2023 in respect of the balance of the funds required to be paid. As a result of such correspondence, counsel to RCC advised that a further partial payment was being sent and a payment was received by the Receiver in the amount of \$2,000. A copy of that email exchange is attached as **Appendix “H”**.
12. Counsel to the Receiver followed up again for payment on January 29, 2024 and was advised by counsel to RCC that she was following up with RCC for an update. No further payments or updates have been received. A copy of that email exchange is attached as **Appendix “I”**.
13. By email on July 5, 2024, counsel to one of the Defendants advised counsel to RCC that the Defendants had instructions to move for security for costs and that they were in the

midst of preparing the motion record in respect of same. A copy of that email exchange is attached as **Appendix “J”**.

14. By letter dated July 9, 2024, RCC delivered an additional \$10,000 to the Receiver as a partial payment of the TMI Order. A copy of the July 9, 2024 letter is attached as **Appendix “K”**.
15. To date, payments totalling \$61,831.07 have been made to the Receiver in respect of the amounts owing by RCC, including pursuant to the TMI Order and the Costs Award. RCC still owes \$20,263.45 with respect to the unpaid TMI and Cost Award. As a result, RCC has failed to pay the TMI Order in full and has not paid anything in respect of the Cost Award rendered on October 25, 2023 which was order to be paid forthwith.

## **RECOMMENDATIONS**

74. For the reasons set out above, the Receiver supports the motion by the Defendants for security for costs.

All of which is respectfully submitted at Toronto, Ontario this 18<sup>th</sup> day of September, 2024.

**DELOITTE RESTRUCTURING INC.**,  
solely in its capacity as the Court-appointed  
Receiver and Manager of Trinity Centres  
Cambridge and not in its personal or corporate  
capacity



Per: \_\_\_\_\_  
Toni Vanderlaan, CPA, CA, CIRP, CTP, LIT  
Senior Vice-President

IN THE MATTER OF Section 101 of the *Courts of Justice Act*, R.S.O. 1990 c.C.43, as amended, and in the matter of Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended

**COLDPOINT HOLDINGS LTD.**

and

**TRINITY CENTRES CAMBRIDGE**

Applicant

Respondents

Court File No. CV-21-00000281-0000

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

Proceeding commenced at Kitchener, Ontario

**THIRD REPORT OF DELOITTE RESTRUCTURING INC.**  
**IN ITS CAPACITY AS COURT-APPOINTED**  
**RECEIVER AND MANAGER**

**SEPTEMBER 18, 2023**

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