

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

FIRST NATIONAL FINANCIAL GP CORPORATION

Applicant

- and -

GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.

Respondents

FACTUM OF THE RESPONDENTS

Motion Date: July 16, 2024

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M.Y. Commercial Inc.

TO:

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Lawyers for the Interim Receiver,
Deloitte Restructuring Inc.

ONTARIO SUPERIOR COURT OF JUSTICE

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Respondents

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Dated: May 23, 2024

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Court File No. CV-17-00073967-0000

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

FIRST NATIONAL FINANCIAL GP CORPORATION

Applicant

- and -

GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.

Respondents

FACTUM OF THE RESPONDENTS

Overview

1. This Motion is made in order to finalize a Receivership that should now be wound up as the properties have been sold, the encumbrances paid, and all that remains is a Final Report from the Receiver, distribution of the remaining cash, and discharging the Receiver.
2. An Order is sought to establish dates to provide the Final Report and finalize the proposed final distribution. Given that this has been requested of the Receiver for over six (6) months, the Moving Party seeks a very short timeline, assuming that no Final Report has been submitted by the Motion return date.

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PART 1 - THE FACTS

3. The Goldden Dragon properties on Clarence Street and Barber Street in Ottawa, Ontario, were put into Receivership approximately six (6) years ago by First National Financial GP Corporation.
4. The Receiver is Deloitte Restructuring Inc. and its counsel has been David Preger of Dickinson Wright LLP.
5. The properties were sold and First National, and the other encumbrances, were paid.
6. After various Appeals, His Honour Justice Hackland made a Consent Order on July 21, 2023 that dealt with most of the remaining issues but for a Final Report and distribution.
7. The Honourable Justice Hackland's Order provided that another Judge could also deal with the remaining issues.
8. Since that Order, the Respondents have made repeated requests for the Receiver, through counsel, to finalize matters with no response.

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PART II - THE ISSUES

9. Should an Order issue finalizing the distribution of the funds held by the Receiver.
10. Should an Order issue for a Final Report from the Receiver.
11. Should an Order issue winding up the Receivership and discharging the Receiver.
12. Are the Respondents entitled to costs on a solicitor/client basis and, if so, in what amount.

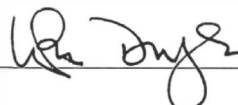
PART III - ORDER SOUGHT

- a) For an Order that the funds held by the Receiver be immediately distributed; and,
- b) For an Order that the Receiver immediately provide a Final Report;
- c) For an Order that the Receivership be wound up;
- d) For an Order that the Receiver be discharged; and,

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- e) For an Order that counsel for the Moving Parties be paid \$5,000.00 in costs inclusive of HST and Disbursements.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 23rd day of May, 2024

A handwritten signature in black ink, appearing to read 'Martin Diegel', is written over a horizontal line.

MARTIN DIEGEL, Solicitor for the

Respondents and M.Y. Commercial Inc.

First National Financial GP Corporation
Applicant

- and -

Golden Dragon Ho 10 Inc. et al

Respondents

(Short title of proceeding)

Court File No. CV-17-00073967-0000

ONTARIO SUPERIOR
COURT OF JUSTICE
Proceeding commenced at Ottawa

Factum of the Respondents

(Form 37A under the Rules)

DYE & DURHAM COMPUTERIZED FORMS SERVICE

Name, address and telephone number of solicitor or party

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