



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-11-00009399-00CL

DATE: 30-March-2023

REGISTRAR: Fardeen Delair

NO. ON LIST: 1

TITLE OF PROCEEDING: **PEOPLES TRUST COMPANY v. ROSE OF SHARON
(ONTARIO) RETIREMENT COMMUNITY et al**

BEFORE JUSTICE: **Madam Justice KIMMEL**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Patrick Shea	Counsel for the Receiver (Deloitte)	Patrick.shea@gowlingwlg.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF MADAM JUSTICE KIMMEL:

1. Deloitte Restructuring Inc, (the "Receiver"), in its capacity as receiver of the assets, property and undertaking of the Respondent, ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY, seeks two orders that are unopposed.
2. The first is an order approving vesting certificates (the "Vesting Certificate Order") in respect of six condo units sold pursuant to a previous July 27, 2022 omnibus approval and vesting order (the "Condo AVO"). The order requested today is supplementary to the Condo AVO, to satisfy certain deficiencies identified by the Director of the Land Registry Office in the procedure contemplated under the Condo AVO regarding the vesting of title in individual purchasers of condo units, once identified. A previous order validating the vesting certificates in respect of seventy-nine other condo units was granted by Osborne J. on January 26, 2023.
3. For the reasons indicated in the court's endorsement of that date, which apply equally to the identical order sought today in respect of the six additional units that now have identified purchasers, the Vesting Certificate Order signed by me today shall issue.
4. The second is an approval and vesting order in respect of the sale of the nursing home associated with the project under receivership. On December 17, 2019, the Court made an Order (the "Nursing Home AVO"): (i) approving an Agreement of Purchase and Sale for the Nursing Home dated May 10, 2019 (the "Nursing Home APS"), as between the Receiver and Rykka Care Centres LP ("Rykka"); and (ii) vesting all the right, title and interest in the Assets (as defined in the Nursing Home APS) in Rykka free and clear of all liens, security interests and other encumbrances, save and except for the permitted encumbrances referred to in the Nursing Home APS on closing. The purchaser has assigned the Nursing Home APS and, out of an abundance of caution, the Receiver is requesting a new form of Nursing Home AVO (the "New Nursing Home AVO") to avoid any potential issues with the Director upon registration of the sale under the Ontario Land Title system.
5. Counsel for the Receiver advises that the New Nursing Home AVO is substantially identical to the Nursing Home AVO, with the replacement of the purchaser, and that the transaction, although now proceeding under a further amended APS, is substantially the same with some minor administrative changes having been agreed to. The New Nursing Home AVO is approved on that basis. This order too shall issue in the form signed by me today.



KIMMEL J.