ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: BK-26-03241463-0032
Estate No. 32 – 3241463

HEARING DATE: September 15, 2026

NO. ON LIST: 4

TITLE OF PROCEEDING: In the Matter of the Bankruptcy of Robert Land Academy

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

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ENDORSEMENT OF JUSTICE KIMMEL:

[1] Robert Land Academy ("RLA") was an all-boys private boarding school located in West Lincoln Ontario, near Hamilton, that operated between 1978 and 2025. It filed an assignment in bankruptcy on June 27, 2025. A number of claims have been advanced against RLA by former students and parents of former students alleging, among other things, that they were subjected to mental, physical and sexual abuse, and it is expected that there will be more such claims (the "Claims").

[2] Deloitte Restructuring Inc., in its capacity as trustee-in-bankruptcy (the "Trustee") of RLA convened this case conference and asks the court to: (a) transfer the Bankruptcy Proceedings from the Hamilton Bankruptcy Court to the Commercial List (the "Transfer Request"); (b) schedule a full-day, in-person hearing of the Trustee's motion to approve a proposed Claims Procedure Order governing the identification and adjudication of alleged abuse claims against RLA (the "Claims Process Motion"); and (c) approve a pre-hearing timetable (the "Pre-Hearing Timetable") in connection with the Claims Process Motion.

The Transfer Request

[3] No stakeholder is opposing the transfer of the Bankruptcy Proceedings to the Commercial List in Toronto. The Commercial List has indicated a willingness to assist and lend its particular expertise to the oversight and supervision of the Trustee's and other stakeholders' efforts to establish, seek approval of, and if approved, to lend its oversight and administration to, a protocol for the summary determination and adjudication of the validity, value and amount of all contingent abuse claims against the Bankrupt (a "Claims Protocol"). The court is prepared to approve the receivership file transfer to the Commercial List for that purpose.

[4] The Commercial List will not itself adjudicate or hear appeals of individual Claims, whether under a court approved claims process or otherwise. The transfer order that I have now signed dated September 15, 2026 makes this clear in paragraph 2.

Scheduling the Claims Process Motion

[5] The Receiver has a statutory duty to determine and value all contingent Claims against the bankrupt estate under a summary process. The stated objective of the Receiver in putting forward the Claims Protocol is to provide a procedure and framework for the adjudication of the Claims against RLA in a fair, expeditious and cost effective manner. The Receiver is trying to balance the competing positions but is very much motivated by a desire to develop the most efficient and least expensive process for determining Claims under a procedure that allows them to be properly and fairly assessed based on evidence, while minimizing the risk of re-traumatization of the claimants.

[6] Various positions were presented in the written Aide Memoires and oral submissions of counsel and some parties appearing at this case conference.

[7] There are a lot of moving parts, but one critical element of any Claims Process is going to be the funding of the process itself and any Claims that are approved under it. That, in turn, requires the input and involvement of the insurers (who have been engaging in dialogue with the Trustee to some extent under reservations of rights).

[8] The insurers asked for a later date than the Trustee's proposed December 10, 2026 hearing date for the Claims Process Motion, on the theory that they will have a better chance of reaching some consensus if they have "more time". The individual claimants say they are running out of time and their patience is wearing thin. Some of the individual claimants started litigation before the Bankruptcy Proceedings were initiated and have been considering bringing motions to lift the bankruptcy stay so that they can proceed with their Claims through litigation in the court.

[9] After considering the various written and oral submissions, the court directed that the Claims Process Motion be scheduled for a full day (in-person with remote viewing option) hybrid hearing on December 10, 2026. The court wants the insurers to have time to get on board with a Claims Protocol, but the individual claimants should not be made to wait beyond the end of this year for that to be put before the court. They need to know the forum in which their Claims will be determined and the timeline for those determinations to be made.

[10] If any claimants still wish to bring cross-motions to lift the bankruptcy stay in response to the Receiver's Claims Process Motion those motions can be returnable on the same day.

Pre-Hearing Timetable

[11] The court directs the participating stakeholders to adhere to the following timetable for the pre-hearing steps for this Claims Process Motion:

(a) The participating stakeholders shall meet and confer about the Trustee's proposed Claims Protocol to try to come up with something that addresses various (sometimes competing) concerns with the different aspects of it. These discussions/negotiations shall be without prejudice and preferably they will have the benefit of a third party mediator to assist them and guide their negotiations as they work through the various and related issues associated with putting a Claims Protocol in place, given the many divergent interests involved. The court would encourage the insurers to consider funding a mediator to assist with this.

(b) The court wishes to allow for as much time as possible for the parties to come to a consensus or at least agree on some aspects of the Claims Protocol, and thus the time for delivery of moving and responding motion records has been deferred (per the timetable below). Even after the records have been delivered, the parties can and should continue their negotiations.

(c) The Trustee shall deliver its final motion record (Notice of Motion, the Trustee's supporting report and appendices, the draft Claims Procedure Order and proposed Claims Protocol) by October 16, 2026.

(d) Any responding motion records (including any cross-motions to lift the bankruptcy stay and any evidence relied upon in opposition to the Trustee's proposed Claim Procedure Order or in support of their own lift stay motion) shall be delivered by November 6, 2026.

(e) The Trustee's reply motion record, if any, including its report in response to any cross-motions received, shall be delivered by November 10, 2026.

(f) If stakeholders have reasonable and proportionate questions they wish to ask the Trustee about its reports filed in support of this motion or in opposition to any cross-motion, that are relevant to the proposed Claims Process, they may deliver those to the Trustee in writing by no later than November 16, 2026 and the Trustee shall respond in writing with answers (which may be under reservation as to relevance), or a position if it is not prepared to answer them, by no later than November 23, 2026.

(g) If any other stakeholder delivers affidavit evidence in response to the Trustee's motion or in support of a cross-motion they shall make themselves available to be cross-examined to answer reasonable, relevant and proportionate questions, if any adverse party so requests, by no later than November 23, 2026.

(h) The Trustee's factum, and updated draft Claims Procedure Order and proposed Claims Protocol to reflect any changes arising out of the without prejudice negotiations or other steps outlined above, shall be delivered by November 27, 2026.

(i) Any stakeholder that is opposing the relief sought, in whole or in part, shall deliver their responding factum by no later than December 4, 2026. Stakeholders with aligned interests shall co-ordinate their factums to minimize overlapping submissions.

(j) The Trustee's reply factum, if appropriate in accordance with the Commercial List Practice Direction, shall be delivered by December 7, 2026.

(k) The participating stakeholders may, on consent, adjust the above timetable as long as all material has been served, filed and uploaded into the appropriate hearing bundle in Case Center by no later than 4:30 p.m. on December 8, 2026.

[12] This endorsement and the directions contained in it shall have the immediate effect of a court order.

Kimmel J.

Date: Sep 19, 2026