



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00707330-00CL
BK-24-00208693-OT31

DATE: SEPTEMBER 11, 2025

NO. ON LIST: 2 & 3

TITLE OF PROCEEDING: ENLIGHTENED FUNDING CORPORATION v. VELOCITY ASSET AND
CREDIT CORPORATION et al
BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Hugh Waddell	Self-represented Defendant	hughwaddell1@gmail.com

For Other:

Name of Person Appearing	Name of Party	Contact Info
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ENDORSEMENT OF JUSTICE KIMMEL:

- [1] The applicants and Albert Gelman Inc., in its capacity as the interim receiver (the "Interim Receiver"), seek to schedule the trial of this contested bankruptcy application. The last time this matter was before the court to be scheduled the court granted a further indulgence to Mr. Waddell to deliver his responding material, expanded the mandate of the Interim Receiver and scheduled this case conference.
- [2] The expectation was that the court would, at this case conference, provide further directions regarding the return date of the application and directions regarding any other intervening steps. The court's endorsement arising out of the July 7 and 22, 2025 attendances state that: "The court expects that the bankruptcy application will be scheduled at the next case conference absent medical evidence that Mr. Waddell is unable to participate".
- [3] While Mr. Waddell continues to raise health concerns, no sworn evidence or report from a health care professional has been provided that indicates that Mr. Waddell is unable to participate in this proceeding. He has been attending the case conferences, and he did deliver his responding an affidavit on September 7, 2025 (the "Waddell Affidavit"). This was only shortly after the deadline that had been ordered for the delivery of his responding materials.
- [4] Mr. Waddell continues to describe negative impacts that these proceedings are having on his health to the court and to his doctors, but despite the court's specific request, his cardiologist has not answered the questions that the Interim Receiver posed, including questions about any medical limitations on Mr. Waddell's ability to participate in this proceeding or accommodations that he might need.
- [5] The time has come for this contested trial of the bankruptcy application to be scheduled. Mr. Waddell expressed to the court that he is not opposing it being scheduled, but he did ask that it not be scheduled for another 90 to 120 days. There was no evidence or specific provided about why this amount of time was needed, just Mr. Waddell's hope that he will be able to receive some treatment during the intervening period that he hopes will relieve his angina.
- [6] Mr. Waddell also expressed concern about having to participate in a two day hearing which is the length of hearing that the court has determined should be scheduled. This length of hearing is to accommodate the expected *viva voce* evidence that will be presented, in addition to the pre-filed affidavits of witnesses and reports of the Interim Receiver (and possibly from the Receiver in the related receivership proceedings involving corporations that he was previously involved in, under court file no. CV-23- 00707330-00CL (the "Corporate Receivership Proceeding")).

[7] Given the history of this matter (most of which is set out in my last endorsement and I will not repeat), the trial should be scheduled before the end of this year. The court suggested that the trial be scheduled for two non-consecutive days in the same week. After some discussion about available dates, the trial was fixed for two days, on December 2 and 4, 2025 – this is almost three months away.

[8] The court also provides the following directions regarding pre-trial steps:

- a. Any reply material to be delivered in response to the Waddell Affidavit shall be delivered by October 14, 2025. This includes any reply evidence from the applicants but may also include further reports from the Interim Receiver and the Receiver in the Corporate Receivership Proceeding if they deem it necessary to say anything further in response to matters set out in the Waddell Affidavit.
- b. Since the court officers (the Interim Receiver and the Receiver) will not be cross-examined at the trial, Mr. Waddell will have the opportunity to pose questions to them in writing about any of their reports dealing with matters relevant to this personal bankruptcy application against him. Any such written questions should be served on all parties by no later than October 31, 2025.
- c. If the Interim Receiver and/or the Receiver receive any written questions from Mr. Waddell, all proper questions that may be relevant to this personal bankruptcy proceeding shall be answered in writing by them by no later than November 14, 2025.
- d. Any party who intends to cross examine an affiant of an affidavit at the trial shall provide notice of that intention to the affiant (or their lawyer) on or before November 21, 2025. Any party that intends to summons a witness to testify at the trial shall deliver the summons on or before November 21, 2025. The court officers will attend at the trial to answer any questions directed to them by the court, but they are not to be summonsed to testify by any party.
- e. Counsel for the applicants and the Interim Receiver shall ensure that all material that is required for the trial has been placed in the appropriate hearing bundle in case center at least three business days prior to December 2, 2025. This shall include all material that will by then have been exchanged and filed, and any material that Mr. Waddell has indicated he intends to rely upon or that either of them intend to rely upon at the trial.

[10] There was some discussion about the Corporate Receivership Proceeding, but nothing was before the court for scheduling. While I am not seized of either of these proceedings, given my familiarity with them the parties can ask the scheduling office to schedule future matters in either proceeding before me, as needed and if my schedule permits.

A handwritten signature in dark ink, appearing to read "Kimmel J.", with a stylized, cursive script.

KIMMEL J.