


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

THE HONOURABLE *MR.*  
JUSTICE *NEWBOULD*



BETWEEN:

TUESDAY, THE 14<sup>TH</sup>  
DAY OF MARCH, 2017

**DOWNING STREET FINANCIAL INC., IN TRUST**

Applicant

- and -

**HARMONY VILLAGE-SHEPPARD INC., AS GENERAL PARTNER OF  
HARMONY VILLAGE-SHEPPARD LP and CITY CORE DEVELOPMENTS INC.**

Respondents

**APPLICATION UNDER Section 243(1) of the *Bankruptcy and Insolvency Act* and  
Section 101 of the *Courts of Justice Act***

**ORDER**

**THIS MOTION**, made by Rosen Goldberg Inc., in its capacity as Receiver (the “**Receiver**”) of the assets, undertakings, and properties of Harmony Village – Sheppard Inc. as general partner of Harmony Village – Sheppard LP (the “**Debtor**”) and City Core Developments Inc., for an order declaring the priorities among three mortgages and a claim for lien pursuant to the *Construction Lien Act* (Ontario) (“**CLA**”) registered as instrument number AT4426603 by Marcus Silbert (the “**Lien**”) against title to the Debtor’s real property municipally known as 3260 Sheppard Avenue East, Toronto, Ontario (the “**Property**”) and

other relief as set out in the First Report of the Receiver dated March 10, 2017 (the "Report"), was heard this day at the Courthouse, 330 University Avenue, Toronto, Ontario.

ON READING the Report and on hearing the submissions of counsel for the Receiver, counsel for Downing Street Financial Inc., in Trust, and counsel for Derek Sorrenti and Olympia Trust Company, in Trust, ~~JYR Real Capital Mortgage Investment Corporation~~ and ~~Li Ruixia~~, and counsel for Marcus Silbert, no one appearing for any other person on the service list, although properly served as appears from the affidavit of service of Carmen T. Katigbak, filed:

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1. THIS COURT ORDERS that the time for service of the Notice of Motion and Motion Record is hereby abridged, if necessary, and validated, such that this motion is properly returnable today and hereby dispenses with further service thereof.

2. THIS COURT ORDERS that the Report and activities of the Receiver described therein be and are hereby approved.

~~3. THIS COURT DECLARES that, subject to the validity of the claim for Lien, the Lien has priority over the mortgages registered against the Property, only to the extent of the deficiency in the holdback required to be maintained pursuant to the CLA (i.e., 10% of the price of goods and services supplied and owing under the Lien).~~

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4. THIS COURT DECLARES that the amount secured by the charge/mortgage in favour of JYR Real Capital Mortgage Investment Corporation and Li Ruixia, registered against the Property as instrument number AT4172526 as at April 15, 2017 is \$1,401,900.

*[Handwritten signature]*

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

MAR 14 2017

PER / PAR:

*[Handwritten signature]*

**DOWNING STREET FINANCIAL INC., IN TRUST**

Applicant

-and-

**HARMONY VILLAGE-SHEPPARD INC. et al.**

Respondents

Court File No. CV-17-11669-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST  
  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

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Lawyers for the Receiver, Rosen Goldberg Inc.

March 14, 2017

DOWNING STREET FINANCIAL INC., IN TRUST  
Applicant

-and-

HARMONY VILLAGE-SHEPPARD INC., ET AL.  
Respondents

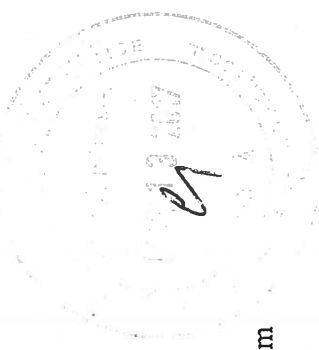
Court File No. CV-17-11669-00CL

*March 14, 2017*  
*The relief regarding the liens*  
*is in consent adjourned to be dealt to*  
*be dealt through the C.L. of F.O.*  
*The amount owing under the IYK*  
*mortgage is agreed.*  
*Order to go.*

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MOTION RECORD

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