


**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY, THE 27th
)
JUSTICE HAINEY) DAY OF JUNE, 2019

BETWEEN:



**COMFORT CAPITAL INC., THE BANK OF NOVA SCOTIA TRUST COMPANY,
E. MANSON INVESTMENTS LTD., FENFAM HOLDINGS INC., 593651 ONTARIO LTD.,
1031436 ONTARIO INC., ALRAE INVESTMENTS INC., BARRY SPIEGEL, SHARON
NIGHTINGALE, DAVID SUGAR, PHYLLIS SUGAR, NATIONAL TIRE LTD., 1119778
ONTARIO LIMITED, 1415976 ONTARIO LIMITED, ALRAE INVESTMENTS INC.,
BAMBURGH HOLDINGS LTD., BEVERLEY GORDON, DIANE GRAFSTEIN,
RICHARD GRUNEIR, B. & M. HANDELMAN INVESTMENTS LTD., RIDGEWAY
OCCUPATIONAL CONSULTANTS INC., YERUSHA INVESTMENTS INC., MIHAL
TYLMAN, A. ELIEZER KIRSHBLUM, 593651 ONTARIO LIMITED, THE BANK OF
NOVA SCOTIA TRUST COMPANY IN TRUST FOR BAILEY LEVENSON, THE BANK
OF NOVA SCOTIA TRUST COMPANY IN TRUST FOR ROSEMONDE KELLY, ANNE
HANDELMAN, YERUSHA INVESTMENTS INC., CELMAR INVESTMENTS CORP.,
BEVERLEY GORDON, PHILGOR INVESTMENTS LTD., BRILLIANT INVESTCORP
INC., MAXOREN INVESTMENTS, 2227046 ONTARIO LIMITED, DAST PROPERTIES
LIMITED, TOVA MARKOVZKI, JOSEPH SUCKONIC and B. & M. HANDELMAN
INVESTMENTS LIMITED**

Applicants

- and -

**ANNIE YERETSIAN, TERRY WILSON, 2457674 ONTARIO INC.,
2399029 ONTARIO INC. and MOSS DEVELOPMENT LTD.**

Respondents

**IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY
ACT*, R.S.C. 1985, C. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF
JUSTICE ACT*, R.S.O. 1990 C. C.43, AS AMENDED**

**ORDER
(STANBARR PARTIES' CLAIM – INTERIM PAYMENT)**

THIS MOTION, made by Canada Capital Corporation Inc. (“CIC”), Canada Investment Corporation, 2399029 Ontario Inc., 2457674 Ontario Inc. and Terry Wilson (collectively, the “Claims Process Respondents”), initially returnable June 6, 2019, for, among other things, an

Order striking the claims in the Claims Process herein of Currah Capital Corporation and the Stanbarr Parties (as defined below), was heard this day at Toronto for scheduling purposes only, at a Case Conference in the Claims Process herein.

ON READING the affidavit of Harvey Margel sworn June 26, 2018, the Supplemental affidavit of Harvey Margel sworn September 28, 2018, the Affidavit of Arash Missaghi sworn November 1, 2018, and the writ of seizure and sale dated May 28, 2018 in the amount of \$80,000.00 issued against CIC in favour of the Stanbarr Parties in respect of a costs Order made against CIC dated May 9, 2016 in court file no. CV-14-10585-00CL (the "**CIC Writ**"), and on hearing the submissions of counsel for (i) Rosen Goldberg Inc., in its capacity as receiver and manager (in such capacity, the "**Receiver**") without security, of certain assets, undertakings and properties of the Respondents herein, (ii) the Claims Process Respondents, (iii) Morteza (Ben) Katebian and Payam Katebian, (iv) 2396135 Ontario Corp and Currah Capital Corporation, (v) Annie Yeretsian, (vi) HJLJ Investments Limited, 527540 Ontario Limited, and Dast Properties Limited (collectively, the "**HJLJ Parties**"), and (vii) Stanbarr Services Limited, Janodee Investments Ltd., Meadowshire Investments Ltd., Regard Investments Ltd., 1563503 Ontario Limited, Beaver Pond Investments Ltd., The Canada Trust Company, Rita Rosenberg and 527540 Ontario Limited. (collectively, the "**Stanbarr Parties**"), no one else appearing for any other person on the service list, although properly served,

1. **THIS COURT ORDERS** that the sum of \$80,000.00, plus post-judgment interest pursuant to the *Courts of Justice Act* R.S.O. 1990 c. C. 43, as amended, at the rate of 2% *per annum* from May 9, 2016 to June 27, 2019 in the amount of \$5,014.79, for a total amount of \$85,014.79 (the "**Payment**"), is to be paid to Chaitons LLP, in trust, without the requirement of any form of direction from the HJLJ Parties, the Stanbarr Parties, or any other party, parties or person(s) that Chaitons LLP is acting for or has acted for in these proceedings, by the Accountant of the Superior

Court of Justice (the “**Accountant**”) from the net proceeds of sale of 13 vacant residential lots on Caldwell Drive in Oro-Medonte (“**Caldwell**”) held in the Accountant’s Account Number 551078 (the “**Account**”) pursuant to the Distribution Order of Justice Dunphy dated August 3, 2018. The Accountant shall pay this amount from the Account by way of cheque made payable to Chaitons LLP, in trust, and the Accountant is hereby so directed.

2. **THIS COURT ORDERS** that the Accountant shall release the Payment immediately, and without regard to any appeal period in respect of this Order.



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ON / BOOK NO:
LE / DANS LE REGISTRE NO:

AUG 12 2019

PER / PAR:



Applicants

COMFORT CAPITAL INC., ET AL.

Respondents

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

Proceeding commenced at Toronto

**ORDER
(STANBARR PARTIES' CLAIM -
INTERIM PAYMENT)**

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Lawyers for the Receiver,
Rosen Goldberg Inc.