

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

**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**

B E T W E E N:

**ANTONIETTA DEL ROSSO, MAURO DEL ROSSO,
CANADIAN WESTERN TRUST COMPANY, MARY LORBER,
457351 ONTARIO INC., JOEL S GUBERMAN PROFESSIONAL CORPORATION,
RITA ROTILIO and ALEXANDER SKORIC**

Applicants

- and -

DIANE MARTHA DEVENYI

Respondent

AIDE MEMOIRE OF THE COURT-APPOINTED RECEIVER
(for Judicial Scheduling Appointment on October 6, 2026 at 11:30 a.m.)

October 5, 2026

DICKINSON WRIGHT LLP

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Lawyers for the Court-appointed Receiver, Rosen Goldberg Inc.

TO: **SERVICE LIST**

PART I – Purpose of Scheduling Appointment

1. Rosen Goldberg Inc., the Court-appointed receiver and manager (in such capacities, the “**Receiver**”) of the lands and premises owned by Diane Martha Devenyi (the “**Debtor**”) municipally known as 154 Shuter Street, in Toronto, Ontario (the “**Property**”), seeks to schedule a motion for an Order, among other things:
 - a. approving the Receiver’s Second Report dated August 28, 2026, and the activities set out therein;
 - b. approving the Receiver’s statement of receipts and disbursements;
 - c. approving the Receiver’s fees and disbursements and the fees and disbursements of its counsel, Dickinson Wright LLP (“**DW**”), including the estimated fees of the Receiver and DW associated with completing the Receiver’s administration; and
 - d. discharging and releasing the Receiver;

PART II - Background

2. The Property is a 2,299 square foot parcel of land, on the north side of Shuter Street, between Pembroke and Sherbourne Street and is improved with a three-storey building which contains four apartment units.
3. The Debtor was indebted to the Applicants pursuant to a loan in the principal amount of \$1.7 million, which was secured by a first ranking mortgage registered against the Property (the “**First Mortgage**”).

4. A second ranking mortgage in the principal face amount of \$1,218,160.40 (the “**Second Mortgage**”) was registered against the Property in favour of the Bank of Montreal (“**BMO**”).
5. The Property was sold pursuant to the August 2, 2024, Approval and Vesting Order of Justice Steele. On August 2, 2024, Justice Steele also granted an Administration Order which, among other things, authorized and directed the Receiver to, subject to retaining a reserve for the fees and expenses of the Receiver and DW, distribute the net sale proceeds: (i) firstly, to satisfy the Debtor’s mortgage indebtedness to the Applicants in full and (ii) secondly, to partially satisfy the Debtor’s mortgage indebtedness to BMO.
6. The sale closed on August 16, 2024 for a sale price of \$2,780,000.00. Following closing, the Receiver distributed, from the proceeds of sale, \$1,825,517 to the Applicants in full satisfaction of the First Mortgage, and \$675,000 to BMO in partial satisfaction of the Second Mortgage.
7. The Receiver is currently holding net funds in this administration of \$22,292.00.
8. The administration of this proceeding is now substantially concluded. Accordingly, the Receiver seeks to schedule a motion for an Order, among other things:
 - a. approving its activities, its fees and those of its counsel; and
 - b. the discharge and release of the Receiver.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 5th day of October 2026.

ANTONIETTA DEL ROSSO et al
Applicants

-and-

DIANE MARTHA DEVENYI
Respondent

Court File No. CV-24-007160406-00CL

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PROCEEDING COMMENCED AT
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Lawyers for the Court-appointed Receiver, Rosen Goldberg
Inc.