

**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 Case Conference on November 3, 2026 at 9:30 a.m.)

October 30, 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 re-set a return date for its motion for approval and discharge and set a schedule for the delivery of materials ahead of same.
2. The Receiver had scheduled an October 27, 2026 return date for its motion. However, the Debtor, who is self-represented, unexpectedly and with no prior notice, appeared at that hearing and expressed concerns regarding the relief sought. No court reporter was present and the matter could not proceed. The Honourable Justice J. Dietrich, who was hearing the motion, directed that the parties attend at a case conference on November 3, 2026 to set a schedule for the delivery of materials. A copy of Her Honour’s Endorsement is attached as **Appendix A**.

PART II - Background

3. 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.
4. 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**”).

5. 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**”).
6. 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.
7. 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.
8. The administration of this proceeding is now substantially concluded and the Receiver seeks final approval and discharge.

PART III – PROPOSED SCHEDULE

9. The Receiver served its motion record on the Debtor on September 3, 2026. The Debtor was also in attendance at the October 6, 2026, judicial scheduling appointment setting down the October 27, 2026, return date. Despite this, she did not advise the Receiver or its counsel of her intention to oppose the Receiver’s motion. Further, the Receiver also

understands that the Debtor's concerns relate to the sale of the Property, which was approved by the Court more than two years ago.

10. Given the foregoing, counsel for the Receiver sent an email to Ms. Devenyi on October 28, 2026, proposing the following schedule:

- a. the Debtor's responding motion record to be delivered no later than November 6, 2026;
- b. the Receiver's reply material, if any, to be delivered by November 11, 2026;
- c. examinations, if necessary, to be conducted on November 12 and 13, 2026; and
- d. motion to be heard the week of November 16, 2026.

A copy of that email is attached as **Appendix B**.

11. As of the date of this Aide Memoire, the Debtor has not proposed a schedule, nor has she responded to the email from the Receiver's counsel.

12. Although there is no unusual urgency to the relief sought, the Receiver does not want to have this drag on further. The Debtor should be required to serve her materials, if any, promptly and in accordance with the schedule proposed herein, to avoid further unnecessary delay.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 30th day of October 2026.

Appendix A



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-00716046-00CL

DATE: October 26, 2026

NO. ON LIST: 4

TITLE OF PROCEEDING: DEL ROSSO et al v. DEVENYI et al

BEFORE: JUSTICE J. DIETRICH

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
Allyson Fox	Counsel for Bank of Montreal	Allyson@rslaw.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Self-Represented	Diane Devenyi	dianedevenyi@gmail.com
Blair McRadu	Counsel for Rosen Goldberg Inc. (Receiver)	bmcradu@dwlaw.com
Brahm Rosen	Receiver	brosen@rosengoldberg.com

ENDORSEMENT OF JUSTICE J. DIETRICH:

[1] Rosen Goldberg Inc. (“**RGI**”), the Court-appointed receiver of the lands and premises owned by Diane Martha Devenyi municipally known as 154 Shuter Street, in Toronto, Ontario seeks an Order:

- (a) approving the Second Report of the Receiver dated August 28, 2026 and the activities of the Receiver 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, including the estimated fees to complete the administration; and
- (d) discharging and releasing RGI as Receiver.

[2] Ms. Devenyi attended the hearing today (self represented). This was not expected and no court reporter was present. The matter was stood down briefly so that Ms. Devenyi and counsel to the Receiver could have an initial discussion regarding Ms. Devenyi's concerns. Following that conversation, Ms. Devenyi's concerns remain.

[3] The hearing of the Receiver's motion has been adjourned to a date to be scheduled at a case conference which is now set for **November 3, 2026 at 9:30 am for 30 minutes**. Aide memoire should be uploaded to Case Center no later than October 30, 2026 setting out the proposed schedule.

Date: Oct 26, 2026



Justice J. Dietrich

Appendix B

Blair G. McRadu

From: Blair G. McRadu
Sent: Wednesday, October 28, 2026 5:47 PM
To: 'Diane Devenyi'
Cc: David P. Preger
Subject: Del Rosso, et al. v Devenyi - CV-24-00716046-00CL

Good evening Ms. Devenyi,

We write further to Justice J. Dietrich's October 26, 2026 endorsement in this matter. The Receiver proposes the following schedule for delivery of materials:

- (1) Your responding motion record to be delivered no later than November 6, 2026;
- (2) The Receiver's reply material, if any, to be delivered by November 11, 2026;
- (3) Examinations, if necessary, to be conducted on November 12 and 13, 2026; and
- (4) Motion to be heard the week of November 16, 2026.

Please advise if you are agreeable to the proposed schedule.

Regards,

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
TORONTO

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