

## Susy Moniz

---

**Subject:** FW: 2292912 Ontario Inc. v. 2370537 Ontario Limited - CV-20-00649342-00CL  
**Attachments:** 2292912 order 20201113.pdf; ATT00001.htm; Counsel Slip - November 13, 2020 - CV-20-00649342-00CL.DOC; ATT00002.htm

**From:** "Koehnen, Mr. Justice Markus (SCJ)"  
**Date:** November 13, 2020 at 5:39:39 PM EST  
**To:** Jeremy Nemers <[jnemers@airdberlis.com](mailto:jnemers@airdberlis.com)>  
**Cc:** "[gphoenix@loonix.com](mailto:gphoenix@loonix.com)" <[gphoenix@loonix.com](mailto:gphoenix@loonix.com)>, "[aburton@thomsonrogers.com](mailto:aburton@thomsonrogers.com)" <[aburton@thomsonrogers.com](mailto:aburton@thomsonrogers.com)>, JUS-G-MAG-CSD-Toronto-SCJ Commercial List <[MAG.CSD.To.SCJCom@ontario.ca](mailto:MAG.CSD.To.SCJCom@ontario.ca)>  
**Subject: Re: 2292912 Ontario Inc. v. 2370537 Ontario Limited - CV-20-00649342-00CL**

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

### Endorsement

The Applicant seeks an order appointing MNP as receiver of 18 Nature's Lending Drive in the Township of East Garafraxa. In addition, the applicant seeks an order discharging a certificate of pending litigation on title to the real property.

I am satisfied that a receivership is appropriate. The man was made on the underlying loans in November 2018 accompanied by a Notice of Intention to Enforce Security under section 244 (1) of the BIA.

The applicant then entered into a forbearance agreement with the debtor and its principal which expired on July 31, 2020. Despite the forbearance agreement, the debt has not been paid.

A certificate of pending litigation was registered on title to the property on December 12, 2017 at the behest of Rossen Assenov Dimitrov. The applicant was not served with the statement of claim or the motion materials for the certificate of pending litigation despite its clear interest in the property resulting from a mortgage that it had registered eight years before the certificate of pending litigation was issued. Mr. Dimitrov's statement of claim calls for a transfer of the property to himself without mortgages or encumbrances. The applicant is not a defendant to the Dimitrov action. Given the applicant's prior mortgage, the certificate of pending litigation cannot take priority over the applicant's interest and should not be issued in the circumstances that it was.

The applicant has served Mr. Dimitrov with the materials for today's motion as appears from the affidavit of service of Eunice Baltkoi sworn October 15, 2020. Neither Mr. Dimitrov nor the debtor have appeared to resist the relief sought today.

**Justice Markus Koehnen**  
Ontario Superior Court of Justice  
361 University Ave.

Toronto, Ont.  
M5G 1T3

---