

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

OWEMANCO MORTGAGE HOLDING CORPORATION

Applicant

- and -

GAMINI ROY DE SILVA

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**

**AIDE MEMOIRE OF THE RECEIVER
(scheduling conference – June 8, 2026)**

June 5, 2026

RECONSTRUCT LLP
80 Richmond Street West, Suite 1700
Toronto, ON M5H 2A4

Brendan Bissell LSO No.40354V
bbissell@reconllp.com
Tel: 416-613.0066

Fax: 416.613.8290
Lawyers for the Receiver, Rosen Goldberg Inc.

TO: The Attached Service List

TO: **SPIZZIRRI LAW PC**
Two Morneau Shepell Centre
Suite 900
895 Don Mills Road
Toronto, Ontario
M3C 1W3

Frank Spizzirri, CS
LSO No. 37327F
Tel: (647) 243-5897
Email: frank@spizzirrilaw.ca

Lawyers for Edward Perks, May McConaghy,
Darren McConaghy, and Andrea McConaghy

AND TO: **PEARL TUMANDAO**
3758 Round Lake Road
Inverary, Ontario
K0H 1X0

Email: pearlcaabyab74@hotmail.ca

AND TO: **RENATA SARBINOWSKI**
200 St. Francis Ave.
Vaughan, Ontario
L4H 3E7

Tel: 416-273-6822
Email: sarbino@gmail.com

AND TO: **BIANCHI PRESTA LLP**
Barristers & Solicitors
9100 Jane Street, 3rd Floor, Building "A"
Vaughan, Ontario
L4K 0A4

John Sestito
LSO No. 40656G
Tel: (905) 738-1078
Email: jsestito@bianchipresta.com

Lawyers for Bryan Dougherty, Liam
Dougherty, Michael Sharda, and Tony Zupo

AND TO: DOMENIC SAVERINO
Barrister and Solicitor
#2 - 4040 Steeles Avenue West
Vaughan, Ontario
L4L 4Y5

LSO No.: 44026N
Tel: (905) 856-3700
Email: domenic@westonlaw.ca

Lawyers for Hetti Group Inc.,
Lance Hettiarachchi, and Gamini Roy de Silva

AND TO: ROSEN GOLDBERG INC.
5255 Yonge Street, Suite 804
Toronto, Ontario
M2N 6P4

Attention: Brahm Rosen
Tel: 416-224-4200
Email: brosen@rosengoldberg.com

Receiver

AND TO: RECONSTRUCT LLP
Restructuring and Litigation Lawyers
80 Richmond Street West, Suite 1700
Toronto, Ontario
M5H 2A4

R. Brendan Bissell
LSO No. 40354V
Tel: 416-613-0066
Email: bbissell@reconllp.com

Lawyers for the Receiver

AND TO: DEPARTMENT OF JUSTICE
The Exchange Tower
130 King Street West, Suite 3400
Toronto, Ontario
M5X 1K6

Attention: Diane Winters
Tel: 416-973-3172
Email: diane.winters@justice.gc.ca

**AND TO: HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF ONTARIO AS REPRESENTED
BY THE MINISTER OF FINANCE**
Ministry of Finance
33 King Street West
Oshawa, Ontario
L1H 8H5

Attention: Kevin J. O'Hara
Tel: 905-433-6934
Email: kevin.ohara@ontario.ca

1. Rosen Goldberg Inc. (the “**Receiver**”) was appointed on December 18, 2018 by this Court as receiver over the real property municipally known as 68 Belgrave Avenue in Toronto (the “**Property**”) which was held in the name of the Respondent on behalf of a development group.

2. Following a sale process, the Property was sold pursuant to an Approval and Vesting Order dated May 15, 2019, which closed on May 31, 2019. The Court authorized and directed the repayment of the amounts owing to the Applicant as the first mortgagee but further directed that no other distributions take place without Court Order. That was because at that time there was a contest among the known creditors of the Respondent, including claims by some creditors to priority over others by virtue of purported mortgages.

3. The claims of priority have now been apparently resolved, and the Receiver has recently been working with counsel for some of the known creditors and with counsel for the Respondent to attempt to determine the distribution of the remaining estate funds. Those funds total approximately \$200,000 at present.

4. While the counsel for some of the known creditors have previously arranged for what they advise was a consensual distribution of funds from other similar projects handled by the same development group, counsel for the Respondent has recently produced a list what is said to be further creditors. Counsel for the known creditors has expressed some surprise that further creditors are being identified and brought forward this late in the day.

5. The Receiver is concerned that the costs of reviewing the information recently provided by the Respondent could unduly consume estate funds.

6. In the circumstances, and given the familiarity that counsel for the known creditors already have with the Respondent and the related financial activities of the development group in question, the Receiver intends to bring a motion to approve a claims process where a committee appointed by the known creditors will be provided with and review information in connection with any further creditors. That committee would then report to the Receiver, who will then bring a motion to the Court and make recommendations as to a distribution.

7. The Receiver will ask at this scheduling conference that a 30-minute hearing be set in approximately 20 days (to permit substantial notice to stakeholders) for a motion to approve that process.

8. The Receiver understands from counsel for the known creditors that they support this motion and this scheduling request.

CV-18-00609588-00CL

OWEMANCO MORTGAGE HOLDING CORPORATION - and -
Applicant

GAMINI ROY DE SILVA
Respondents

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

Proceedings commenced at TORONTO

**AIDE MEMOIRE OF THE RECEIVER
(scheduling conference – June 8, 2026)**

RECONSTRUCT LLP

80 Richmond Street West, Suite 1700
Toronto, ON M5H 2A4

Brendan Bissell LSO No.40354V

bbissell@reconllp.com

Tel: 416-613.0066

Fax: 416.613.8290

Lawyers for the Receiver, Rosen Goldberg Inc.