

Greg Adams

From: Conway, Madam Justice Barbara (SCJ) <Barbara.Conway@scj-csj.ca>
Sent: May-05-20 3:11 PM
To: Rachel Bengino; 'Mills, Craig'; Alex Morrison; Greg Adams; 'charene@fortressrdi.com'
Subject: Hillmount Capital and Brookhill CV-20-00640134-00CL
Attachments: Signed Order.pdf

Importance: High

Due to the COVID-19 crisis, I held a hearing on the above matter today by Zoom videoconference call. This hearing was held in accordance with: (a) the Notice to the Profession issued by Chief Justice Morawetz on March 15, 2020 and the Update dated April 2, 2020; and (b) the “Changes to Commercial List operations in light of COVID-19” developed by the Commercial List judges in consultation with the Commercial List Users Committee. The videoconference facilities were arranged by Thornton Grout Finnigan LLP to facilitate the hearing, as per the foregoing COVID-19 practice directions. Materials were sent to me by email prior to the hearing.

This email constitutes my endorsement of today’s date and is to be placed in the court file.

The following participants were on the videoconference call with me, all of whom are copied on this email:

- Rachel Bengino, counsel for the Applicant
- Craig Mills, counsel for the Respondents
- Alex Morrison, Proposed Receiver
- Greg Adams, Proposed Receiver
- Charene Bunnnett on behalf of Fortress Brookhill Inc. and Vince Petrozza

This is an Application for appointment of a Receiver over the Lands owned by Brookhill and the beneficial interests of BDI in the Lands. The Application is unopposed. I am satisfied that the requested order should be granted (with the amendment in para 29 that I asked Ms. Bengino to make) and that it is just and convenient to appoint a Receiver. The record establishes that the Loan is in default and the appointment of a Receiver is necessary for the Applicant to realize on its collateral. The security held by Hillmont contemplates the appointment of a Receiver. The relevant notice periods have expired. As noted, no one opposes the relief sought.

Order to go as signed by me and attached to this email. The order is effective from today’s date and is not required to be entered.

Conway J.
Superior Court of Justice (Toronto)