

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

B E T W E E N:

**CHIEF EXECUTIVE OFFICER OF THE FINANCIAL SERVICES  
REGULATORY AUTHORITY OF ONTARIO**

Applicant

- and -

**SUSSMAN MORTGAGE FUNDING INC., 2486976 ONTARIO INC.  
and 1981361 ONTARIO INC.**

Respondents

APPLICATION UNDER SUBSECTION 37 OF THE *MORTGAGE BROKERAGES, LENDERS  
AND ADMINISTRATORS ACT, 2006*, S.O. 2006, c. 29, 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  
(Case Conference held August 15, 2025)**

1. On July 8, 2025, Michael Stein filed a motion and sought certain relief regarding mortgages referred to as S-26 and S-27 in (the “**Stein Motion**”). The Stein Motion was scheduled to be heard on July 25, 2025.
2. On July 25, 2025, Justice Dietrich issued an endorsement adjourning the Stein Motion and also scheduling a case conference for August 15, 2025 (the “**July 25 Endorsement**”).
3. On August 11, 2025, the Receiver filed and served its Third Supplement to the Receiver’s Report dated August 11, 2025 (the “**Third Supplement**”).

**Third Supplement**

4. As noted in the July 25 Endorsement, the case conference scheduled for August 15, 2025 is to address whether there are other similarly situated investors in SMFI mortgages, and to also address the scheduling of the adjourned Stein Motion.

5. The Receiver has reported in the Third Supplement that, in addition to S-26 and S-27, investments in active mortgages A-14 and B-95 are held through Olympia Trust Company (“**Olympia**”).

### **Scheduling of the Stein Motion**

#### ***S-27***

6. As set out at paragraphs 13-15 of the Receiver’s Second Supplemental Report dated July 23, 2025 (the “**Second Supplement**”), the Receiver has reported, based on a review of the information and records it has in its possession (the “**Records**”), that Teichman and Stein are the only investors with an interest in the S-27 mortgage. The Receiver further notes that it would not oppose an Order allowing Teichman and Stein to enforce their remedies in respect of S-27, however, the Receiver is of the view that any funds collected to date are Property subject to the Receiver’s Charge and should not be turned over.
7. We note that the Receiver’s position is not in any way based on the fact that the funds advanced by Teichman and Stein were advanced through Olympia, but rather based on the fact that the current Records do not suggest that any other investor other than Teichman and Stein have an interest in S-27 (i.e. no co-mingling of funds).
8. The Receiver is of the view that the Stein Motion in respect of S-27 only, should be scheduled based on the Court’s next availability.

#### ***S-26***

9. As set out at paragraph 13(a) of the Second Supplement, the Records suggest that there are other investors, in addition to Teichman and Stein, that may have continuing interest in the S-26 mortgage. The Receiver opposes the relief sought in the Stein Motion in respect of S-26.
10. For greater certainty, the Receiver opposes the relief sought in the Stein Motion in respect of the return of any and all funds collected by the Receiver related to S-26 (and S-27 as noted above).

11. The Receiver is of the view that the Stein Motion in respect of S-26 should be scheduled pursuant to a litigation timetable to address reply materials and cross-examinations, if necessary.

August 13, 2025

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**TO: SERVICE LIST**

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- and -

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PROCEEDING COMMENCED AT TORONTO

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