

**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**

**SUPPLEMENTARY AFFIDAVIT OF HARLEY ZARETSKY  
(sworn May 1, 2025)**

**I, HARLEY ZARETSKY, of the City of Toronto, in the Province of Ontario, MAKE  
OATH AND SAY AS FOLLOWS:**

1. I am an investor in mortgages brokered and administered by Sussman Mortgage Funding Inc. (“SMFI”). As such, I have personal knowledge of the matters set out herein. Where the matters I discuss in this affidavit are not within my personal knowledge, I have stated the source of the information, and I believe that information to be true.

2. I have sworn this affidavit as a brief supplement to my first affidavit in this proceeding which I swore on April 29, 2025 in order to describe certain concerns I have that underpin the need for the investor class to have the benefit of dedicated and independent legal representation in these receivership proceedings.

3. I believe it is important and necessary for all investors, no matter the amount of their investment in SMFI, to receive active, capable and cost-effective representation during these proceedings. No particular investor should have an outsized influence on how the receivership proceedings are advanced.

4. Given the disparities in means and resources as among the investors of SMFI, I do not think it is feasible for me and similarly situated investors to each fund independent legal representation out of pocket to represent our interests during these proceedings.

5. I note the following concerns I have regarding the position of Logpin Investments Limited, The Goldfarb Corporation, Gary Goldfarb, and Jeffrey Goldfarb (the “**Goldfarb Investors**”) vis-à-vis my and others’ position as investors of SMFI:

- (a) I understand from Aird & Berlis LLP (“**A&B**”) that Gary Goldfarb, who is a real estate lawyer by trade, was previously retained by SMFI to provide certain legal services, although the details of the retainer and the scope of the legal services is unknown to me. It is not clear to me what information Mr. Goldfarb had or has about SMFI, and what role he may have played in any of the events that now give rise to this receivership application;

- (b) I understand from the Affidavit of Antoinette Leung affirmed April 11, 2025, which was sworn in support of FSRA's application to appoint a receiver over the Respondents that "certain lenders have recently entered into transactions with SMFI that may give them preferential treatment over other lenders". I understand from the Responding Application Record of the Goldfarb Investors that two Assignments of Co-Tenancy Interest and Cash Flow, dated as of December 30, 2024 and February 5, 2025, respectively, were entered into by 2486976 Ontario Inc. and 1981361 Ontario Inc., respectively, as assignors, and Logpin Investments Limited, on behalf of the Goldfarb Investors. I do not know the details of the circumstances in which these agreements were entered into, and I am concerned that they may prefer the interests of the Goldfarb Investors and prejudice the interests of me and other investors.

6. This affidavit is thus made in support of the within motion for, among other things, the appointment of A&B as Representative Counsel over these proceedings, and for no other improper purpose.

Affirmed remotely by video conference on May 1, 2025 in the City of Toronto, in the Province of Ontario, with the affiant before me in the City of Toronto, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Matilda Lici

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Commissioner for Taking Affidavits  
Matilda Lici

Signed by:

Harley Zaretsky

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HARLEY ZARETSKY

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

- and -

**SUSSMAN MORTGAGE FUNDING INC. et al.**

Applicant

Respondents

Court File No. CV-25-00741044-00CL

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

**Proceedings commenced at Toronto**

**AFFIDAVIT OF HARLEY ZARETSKY  
(sworn May 1, 2025)**

**AIRD & BERLIS LLP**

Barristers and Solicitors

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*Proposed Representative Counsel*